

NORTH DAKOTA STATE COMMISSION POLICIES

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**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL – STATE
COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-01-03 (5)

REQUEST FOR PROPOSAL

PURPOSE:

The primary responsibility of the State Commission is to promote the ethic of service among North Dakotans. The Commission oversees the AmeriCorps*State funds that facilitates citizens working together to meet community needs in a way that fosters personal, family, and community pride.

The following establishes the process for requesting proposals and making awards under the North Dakota AmeriCorps*State Program.

POLICY:

The North Dakota Workforce Development Council -State Commission on National and Community Service (State Commission) shall conduct a proper grant award process annually, following applicable federal and state regulations. Grant awards shall be made only to the extent that funds are available.

The State Commission shall implement an annual grant award process that includes an appropriate, fair, and timely

- Request for Proposal (RFP) process
- Peer Review process
- Criteria-based grant selection process
- Pre-award risk assessment process

Request for Proposal

The State Commission conducts an appropriate, fair, and timely Request for Proposal (RFP) process for the AmeriCorps*State program grants annually.

A written RFP is provided that contains all the information needed by the potential applicants.

The grant selection criteria used in the RFP is that provided by the Corporation in their annual published information and guidelines for AmeriCorps*State programs.

Public notice of the RFP is provided which allows sufficient time to prepare quality proposals.

Reasonable effort is made to provide notice of funds available to a broad spectrum of entities of state and local government, nonprofits, higher education institutions, and faith-based organizations.

Application due dates ensure adequate time for the commission to conduct a quality peer review and complete staff review of proposals and budgets.

Peer Review Process

State Commission staff shall review applications according to all legal, regulatory, and grant requirements.

All Peer Reviewers will complete and sign a conflict of Interest form. If a potential conflict of interest exists, the Peer Reviewer will be disqualified for being involved in the Peer Review process.

Scoring and ranking procedures will be based on the State Commission's model score sheet with modifications to address the Corporation and State Commission priorities and must be described in the RFP.

Criteria-based Selection Process

The State Commission shall make recommendations to CNS and shall select grantees based upon criteria contained in the Request for Proposal.

Pre-Award Risk Assessment Process

The State Commission shall conduct a pre-award risk assessment of selected grantees to insure that grantees have the organizational capacity to provide sound programmatic and fiscal oversight; adequate budget to support program design; have a sound track record of accomplishments as an organization; well defined roles for staff and administrators; a well designed plan or systems for self-assessment, evaluation, and continuous improvement; and commitment of applicant organization for non-federal support and sustainability.

REFERENCE:

- (0) State Commission minutes dated April 16, 2003
- (1) State Commission minutes dated April 7, 2004
- (2) State Commission Electronic Vote dated July 6, 2006
- (3) State Commission minutes dated April 22, 2009
- (4) State Commission minutes dated January 13, 2010
- (5) State Commission minutes dated January 13, 2013

SUNSET: January 13, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL – STATE
COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-02-03 (3)

CONFLICT OF INTEREST

PURPOSE:

The purpose of this policy is to remind State Commission members of the state and federal laws relating to voting obligations and conflict of interest.

NDCC 48-02-12 states, “No governing board, nor any member, employee, or appointee thereof, shall be pecuniary interested or concerned directly or indirectly in any public contract, either verbal or written, that may be entered into by any such board or officer.”

Regulations of the Corporation for National and Community Service under 45 CFR Chapter XXV, Part 2550.90, states..... “To avoid a conflict of interest (or the appearance of a conflict of interest) regarding the provisions of assistance or approved national service positions, members of a State Commission or AAE must adhere to the following:

(a) General Restriction: Members of the State Commissions and AAEs are restricted in several ways from the grant approval and administration process for any grant application submitted by an organization submitted by an organization, for which they are currently, or were within one year of the submission of the application, officers, directors, trustees, full-time volunteers, or employees. The restrictions for such individuals are as follows:

- (1) They cannot assist the applying organization in preparing the grant application;
 - (2) They must excuse themselves from the discussions or decisions regarding the grant application and any other grant applications submitted to the Commission or AAE under the same program; and
 - (3) They cannot participate in the oversight evaluation, continuation, suspension or termination of the grant award.....
- (c) Rule of Construction. Paragraph (a) of this section shall not be construed to limit the authority of any voting member of the State Commission or AAE to participate in---
- (1) Discussion of, and hearings and forums on, the general duties, policies and operation of the Commission or AAE, or general program administration; or
 - (2) Similar general matters relating to the Commission or AAE.

POLICY:

1. No member or employee of the North Dakota Workforce Development Council - State Commission on National and Community Service, its Standing Committees, or its Ad Hoc Committees shall use his/her position to benefit themselves or organization which they represent, nor shall any member cast a vote nor participate in any decision-making capacity on any matter which would provide direct or indirect financial benefits to that member or their organization.

2. Each recipient or sub-recipient shall ensure that no individual in a decision-making capacity, including State Commission members (whether compensated or not), shall engage in any activity, including participation in selection or award, of a sub grant or contract supported by AmeriCorps*State or AmeriCorps*Competitive funds, if a conflict of interest, real or apparent, would be involved. Such conflict would arise when the individual: any member of the individual's immediate family; or an organization which employs, or is about to employ any of the above, has a financial or other interest in the firms or organization selected for award.
3. Neither membership on the State Commission nor the receipt of AmeriCorps*State or AmeriCorps*Competitive funds to provide community and related service shall be construed, by themselves, to violate the provisions or Regulations of the Corporation for National and Community Service Under 45 CFR Chapter XXV, Part 2550.50.
4. Official minutes of the State Commission and its Standing, and Ad Hoc Committees shall record by individual name and representation members who abstain from voting on individual proposals or motions.

REFERENCE:

- (0) State Commission minutes dated June 4, 2003
- (1) State Commission Electronic Vote dated July 6, 2006
- (2) State Commission minutes dated April 22, 2009
- (3) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL – STATE
COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-03-03 (3)

MEMBER EXPENSE REIMBURSEMENT

PURPOSE:

Regulations of the Corporation for National and Community Service Under 45 CFR Chapter XXV, Part 2550.50, (h) *Compensation for State Commission members*. States... “A member of a State Commission may not receive compensation for his or her services, but may be reimbursed (at the discretion of the State) for travel and daily expenses in the same manner as employees intermittently serving the State.

To encourage the participation and attendance of appointed members on the North Dakota Workforce Development Council – State Commission on National and Community Service reimbursement of travel expenses and per diem will be provided.

POLICY:

1. **Member Expenses:** Commission members are eligible to be reimbursed for mileage, meals and lodging for regularly scheduled meetings at the current approved state rate.
 - a. To obtain the **state rate for lodging**, the North Dakota Department of Commerce may pay the lodging facility directly for Commission Member lodging expenses.
2. **Member Per Diem:** Commission members, whose employer does not reimburse them for wages or in cases where Commission members are required to pay for substitutes at their place of employment are eligible for a daily per diem for days of regular scheduled Commission meetings.
 - a. Per Diem will be issued at the rate of \$62.50 per day upon verification of services.
 - b. Per Diem for services for portions of a day shall not be prorated. Travel days shall not be counted as days of service for the purpose of eligibility for Per Diem.

REFERENCE:

- (0) State Commission minutes dated June 4, 2003
- (1) State Commission Electronic Vote dated July 6, 2006
- (2) State Commission minutes dated April 22, 2009
- (3) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-04-04 (4)

MONITORING POLICY

PURPOSE:

The North Dakota Workforce Development Council - State Commission on National and Community Service (State Commission) has a primary responsibility to insure sub grantees are performing contracted activities and according to regulations, guidelines and the contract they entered into with the State Commission.

Monitoring the sub grantees and the contract they entered into with the State Commission is viewed as support in order to provide feedback so that National Service may continuously improve in the State. “Monitoring” is any contact Commission staff has with a sub-grantee, its staff, members, service recipients and community partners for the purposes of evaluating a program’s performance and capacity.

The State Commission has the responsibility to monitor its programs for compliance with the contract entered into with the State Commission and the AmeriCorps Provisions and Federal Regulations: for assuring that programs spend AmeriCorps funds for the purposes outlined in a program’s application and budget; for compliance with member eligibility requirements; and to insure that program activities are legitimate. Monitoring is intended to improve a program and insure that basic components of compliance are in place from the very beginning.

The State Commission believes that all monitoring is grounded in cooperation based on mutual respect and the need to “get things done” in North Dakota on behalf of those that it serves. The Program Officer always strives to maintain a professional relationship with its grantees and program coordinators/directors even when faced with non-compliance and mismanagement. It is the responsibility of the Program Officer to bring all compliance issues to the attention of the Executive Director of the State Commission and Commissioners so as to make a determination as to whether to continue the grant.

POLICY:

Two Types of Monitoring

The State Commission will use two types of monitoring:

- (1) The **compliance review**, in which systems, files, records and policies are reviewed to ensure that the grantee is meeting its legal responsibilities and
- (2) The **site visit** which involves direct questioning /interviews with program staff, AmeriCorps members, program partners and other community stakeholders.

Each type of monitoring complements each other.

State Commission staff will conduct a formal on-site visits and *compliance reviews* of each contracted sub grantee a minimum of once annually.

A formal on-site compliance review will be conducted for all programs that are identified as high-risk within between the first 30 days and the first sixty days of the start date of the contract and at least one additional time during the year.

A formal report will be issued within ~~45~~ 30 days of any on-site visit when there are findings, corrective action recommendations or questioned costs identified in the monitoring report.

Additional on-site monitoring visits will be conducted as deemed necessary in order to assure compliance.

In addition to on-site monitoring visits and compliance reviews, the Program Officer will conduct desk monitoring reviews through the utilization of State Commission established reporting systems for timeliness and accuracy of required reports.

Additional informal monitoring in the form of phone calls, e-mails, and the Program Director's meetings will occur.

The Program Officer will randomly select 10% or a minimum of six (6) member files, whichever is greater, to review for compliance using the State Commission AmeriCorps Site Visit Monitoring Tool.

The Site Visit Monitoring Tool is completed by the State Commission staff.

The Program Officer will review each question on the tool and note the response from the staff.

Reporting:

1. Non-State Commission Corrective Actions

If the State Commission staff suspects discrimination, fraud, abuse, or criminal activity, he/she will immediately report such suspicions and the basis thereof to the Executive Director of the State commission. The State Commission staff will not conduct any investigation on his/her own initiative.

2. Question Cost

In cases where there are administrative findings or member eligibility or payment questions which could result in disallowed costs or contract termination, the report of findings citing the violation; i.e., law, regulations, policy, contract provision or agreement and costs being questioned should be reported to the Executive Director of the State Commission for action within 10 working days after the monitoring visit and final report is completed.

3. Correctable Administrative Findings:

- a. Within ten (10) working days after a monitoring visit is completed and an exit interview conducted, the Program Officer will prepare and submit a written report explaining the findings and any corrective actions, if necessary, to the project director.
- b. Upon receiving the report from the Program Officer, the project director has ten working days to submit a written report to the State Commission outlining such actions or measures taken or being taken to correct the problems identified.
- c. Upon receiving a corrective action report from a project director, the Executive Director of the State Commission has ten (10) working days to accept or reject the corrective actions or measures. If such corrective actions or measures are not acceptable, the Executive Director of the State Commission will render a determination in accordance with the Policy on Findings and Debt Management.

REFERENCE:

- (0) State Commission minutes dated January 7, 2004
- (1) State Commission Electronic Vote dated July 6, 2006
- (2) State Commission minutes dated April 22, 2009
- (3) State Commission minutes dated January 13, 2010
- (4) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-05-04 (3)

COMMISSION PEER REVIEW POLICY

PURPOSE:

The use of a “panel of experts” or peer review to assist in evaluation of new AmeriCorps applications is strongly suggested 2009 AmeriCorps State Application Instructions for State Commissions states. The Corporation does not require state commissions to conduct peer review for State Formula and State Competitive applications... Commissions are expected to conduct a rigorous review of applications and to send forward only those applications that are considered to be high quality and that meet all requirements. Commissioners must vote to approve the applications for submission to the Corporation, and commissions are required to maintain a record of the vote.”

State Commissions are also responsible for thoroughly reviewing the detailed budget and budget narrative and correcting all compliance issues before submitting competitive applications to the Corporation in eGrants. This includes making sure that applicants complete the Summary of Accomplishments and Outcomes, if applicable.

State Commissions should set a due date for applications that allows adequate time to review the requests, analyze the budgets, and work with programs on revisions of budgets, proposed activities, and performance measurement objectives, as necessary.

State Commissions certify in eGrants that in conducting their grant review process, they ensure compliance with the National and Community Service Act of 1990 as amended, the Corporation’s peer review requirements, and all state laws and conflict of interest rules.

POLICY:

The State Commission will direct the staff to conduct a complete and thorough compliance review of submitted applications.

1. Peer Reviewers are selected from a mix of practitioners, policy analysts, and experts in issue areas. They should be knowledgeable about community service and grants management.
2. Each Peer Review Panel will have at least a minimum of two reviewers.
3. For each Peer Review Panel, no more than half the reviewers can be commissioners.

4. None of the Peer Review Panel members can have a conflict of interest with any applications being reviewed or considered. All Peer Review Panel members will review and sign Conflict of Interest and Confidentiality Forms prior to the start of the Peer Review or receipt of any program applications.
5. All of the Peer Review Panel members will be trained prior to reviews beginning to ensure consistency across panels in how to review an application and determine quality.
6. The Peer Reviews will use the criteria published in the formula application instructions to review proposals.
7. Peer Reviewers must use a review form and scoring sheet developed according to the review criteria.
8. The State Commission will develop a procedure and provide instruction on how panels are to rank and score applications.
9. The State Commission must certify that in conducting the grant review process, they have ensured compliance with the National and Community Service Act of 1990 as amended, the Corporation's peer review requirements and all state laws and conflict of interest rules.
10. State Commission staff is required to maintain documentation of the Peer Review Process used.

REFERENCE:

- (0) State Commission minutes dated April 7, 2004
- (1) State Commission Electronic Vote dated July 6, 2006
- (2) State Commission minutes dated November 19, 2008
- (3) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-06-04 (3)

COMMISSION MATCH POLICY

PURPOSE:

The 2005 AmeriCorps Provisions state the following:

13. MATCHING REQUIREMENTS.

a. Matching Obligation. The Grantee must provide and account for the matching funds as agreed upon in the approved application and budget.

The Grantee's matching funds must be in non-federal monies or federal funds that are given specific permission to be used as match for AmeriCorps funding.

POLICY:

The State Commission will require all sub-grantees to be in compliance with approved overall budgeted match percentages at the end of each quarter, when making their final claim for the quarter.

If the project is not able to meet the match requirement they must submit a written explanation and request for a waiver with their Request for Reimbursement. Projects requesting a waiver will be notified in writing, within three work days of receipt of the Request for Reimbursement by the State Commission. If the waiver is not granted, the project must resubmit their Request for Reimbursement and that it will not be processed until it reflects an appropriate match percentage.

The State Commission will require all sub-grantees to be within 10% of their approved budgeted match percentages during the 10th and 11th month of the grant year and in full compliance with their budgeted match percentages in their final month of the grant year.

The State Commission will require all sub-grantees to be in full compliance with approved budgeted match percentages during any no-cost contract extension period.

Consequences of failing to meet match requirements can include, but are not limited to:

- ◆ Nonpayment of Request for Reimbursement
- ◆ Non-renewal of grant award for the next program year
- ◆ Request for payment from the program for over reimbursement, if applicable

REFERENCE:

- (0) State Commission minutes dated April 7, 2004

- (1) State Commission minutes dated April 19, 2006
- (2) State Commission minutes dated April 22, 2009
- (3) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-08-04 (3)

AMERICORPS MEMBER TERM LIMITS

PURPOSE:

The Corporation for National Service has determined that it is appropriate to limit the total number of terms served in all AmeriCorps programs (which receive Corporation funded support), including VISTA, in which member may serve up to four terms of service in AmeriCorps State and National regardless of the type the of terms. However, a member may only receive the value of two full-time education awards.

POLICY:

The North Dakota Workforce Development Council - State Commission on National and Community Service will follow the Corporation for National and Community Service policy on member term limits and will insure that member term limits are included in the new project orientation and reviewed during member eligibility monitoring.

REFERENCE:

- (0) State Commission minutes dated April 7, 2004
- (1) State Commission Electronic Vote dated July 6, 2006
- (2) State Commission minutes dated April 22, 2009
- (3) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-09-04 (3)

GRANT CLOSE-OUT

PURPOSE:

Each grantee (State Commission) of the Corporation for National and Community Service (CNCS) is responsible for the closeout of all its sub grants. The State Commission completes and signs a certification form when sub grantee closeout is completed. Only one certification is required for all sub grants that a grantee has to close. It is submitted to the Corporation along with the other documents required for closeout.

The procedures applicable to the closeout of a primary grant are also applicable to the closeout of a sub grant

The State Commission should send the final FFR to their assigned Grants Management Specialist in the Office of Grants Management in Washington, DC.

POLICY:

The State Commission closes grants as determined by federal guidelines and facilitates the closure of both grants and sub-grants. The State Commission will follow the Corporation for National and Community Service guidelines and established closeout deadlines.

After the project period expires, the State Commission reviews the official file to determine if all closeout documents are in it. If anything is missing the State Commission sends a letter informing the sub grantee of the grant's expiration and requesting submission of the missing documents. If all documents are on file and the grant can be reconciled, the State Commission will proceed with closeout and inform the sub grantee when the process is completed.

Under CNCS regulations, financial records and all other records pertinent to a grant must be retained for a period of three years from the the closeout of the grant cycle. This requirement is included in the Grant Provisions. If an audit is initiated prior to the expiration of the three year retention period, records must be retained until audit findings involving such records have been resolved and final action taken.

1. Closeout Guidelines

- a. General. The State Commission will close out grant awards when it determines that all applicable administrative actions and all required work of the grant have been completed.
- b. Reports. Within 90 days after the expiration or termination of the grant, the Program must submit all financial, performance, and other reports required as a condition of the grant. This will include, but is not limited to:
 - i. Final Performance or progress report;

1. The Final Program Report should be cumulative and be no more than three pages long. It should summarize the grant's overall accomplishments for the total number of years it was in operation. There should be a separate final report for every grant awarded to a grantee because each grant is closed individually.
- ii. Federal Financial Report (SF 425);
- iii. Final Request for Payment (if applicable);
- iv. Equipment Inventory;
 1. Only equipment with a per unit value of \$5,000 or more, and unused supplies with a total aggregate value exceeding \$5,000 purchased with Corporation grant funds must be accounted for at the time of closeout. If a State used Corporation funds to purchase such equipment/supplies then the grantee must account for them.
- v. Residual Supplies Inventory.
- c. Certification. Programs will submit signed certification that all administrative actions are completed for the grant including:
 - i. Receipt of all applicable information from program sites;
 - ii. Financial accounts and records are accurate and complete; and
 - iii. The above actions are included in the closeout reporting for the grant.

For internal grants of the State Commission, the Fiscal Staff of the Department of Commerce will complete the financial requirements of the close-out comparing the cash draw downs and expenditures made on the award.

For grants that include sub-grants, information packets are sent to all organizations that received funds under the specific grant number. This information is collected and reviewed to ensure it is complete. The Final Financial Status Reports are compared to previous FFRs submitted, previous payments made to grantees and the most recent Payment Management System (PMS) 272 report summarizing cash draw downs.

Failure to complete closeout without justification will result in a finding of non-compliance that could affect a sub grantee's eligibility for future funding under any State Commission and/or Corporation for National and Community Service program. The sub grantee should request an extension of the closeout period if it needs additional time to complete the process.

REFERENCE:

- (0) State Commission minutes dated April 7, 2004
- (1) State Commission Electronic Vote dated July 6, 2006
- (2) State Commission minutes dated April 22, 2009
- (3) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-10-04 (4)

ATTENDANCE POLICY

PURPOSE:

The purpose of this policy is to remind North Dakota Workforce Development Council – State Commission on National and Community Service members of the importance in having their attendance at Council meetings.

The North Dakota Workforce Development Council– State Commission on National and Community Service was authorized under Executive Order 2002-02. On March 25, 2002, the Governor designated the Council as the State's Workforce Investment Board in accordance with National and Community Services Act of 1990, (the Act) as amended through Public Law 106-170, and Article V, Section I of the North Dakota Constitution.

Members of the North Dakota Workforce Development Council – State Commission on National and Community Service are appointed to three year terms and serve at the pleasure of the Governor. The Council consists of voting members' representation from the following constituencies:

- ◆ One Representative of a community-based agency or organization;
- ◆ The head of the State education agency;
- ◆ One Representative of local government;
- ◆ One Representative of local labor organizations in the state;
- ◆ Two Representative of business;
- ◆ One Individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth;
- ◆ One Individual with experience in promoting the involvement of older adults (age 55 and older) in service and volunteerism;
- ◆ One Individual with experience in promoting the involvement of older adults (age 55 and older) in service and volunteerism;
- ◆ Four Individuals with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth;
- ◆ One Representative from Indian Tribes.

Attendance and participation in Commission meetings and activities is important to the expansion of civic engagement opportunities in the State.

POLICY:

- A. Member's attendance at Commission meetings is essential to effectively conducting the business of the Commission. Members, when they have conflicts with attendance, may designate an alternate to attend in their place to facilitate a quorum and completion of Commission business. Alternates will be allowed to vote and participated in discussions and decisions of the Commission. Designation of an alternate must be provided in writing and presented to the Council Chair prior to the start of the meeting. Designation of an alternate will result in the minutes reflecting that the member was absent from the meeting. Governor Cabinet appointees who designate an alternate will be listed in the minutes as in attendance by listing the name of the designated alternate attending on their behalf.
- B. Two consecutive absences from Commission meetings shall result in a warning letter being sent out by the Commission Chairperson.
- C. Three consecutive absences from Commission meetings shall be cause for a recommendation by the Commission Executive Committee, to the Governor, for forfeiture of appointment.

REFERENCE:

- (0) State Commission minutes dated April 7, 2004
- (1) State Commission Electronic Vote dated July 6, 2006
- (2) State Commission minutes dated April 22, 2009
- (3) State Commission minutes dated April 7, 2010
- (4) State Commission minutes dated April 17, 2013

SUNSET: April 17, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-12-04 (3)

AMERICORPS MEMBER TERM EXTENSIONS

PURPOSE:

The general purposes of AmeriCorps*State Sub Grants are "Getting Things Done" in communities, strengthening the ties that bind communities together, and developing the citizenship and skills of AmeriCorps members.

AmeriCorps Special Provision 6 e. states.... "The Sub Grantee must seek to enroll the number of full-time and less than full-time members agreed upon in its approved application and contract. A Program must make every effort to enroll members so that each member has a reasonable expectation of completing his/her term of service by the end of the Program's project period".

AmeriCorps Special Provisions 7 a. states... "The Grantee must ensure that each member has sufficient opportunity to complete the required number of hours to qualify for a post-service education award. In planning for the member's term of service, the Grantee must account for holidays and other time off, and must provide each member with sufficient opportunity to make up missed hours.

AmeriCorps Special Provisions 7 b. states.... "The Grantee must require that members sign contracts that, at a minimum, stipulate the following:

- i. The minimum number of service hours and other requirements (as developed by the Program) necessary to successfully complete the term of service and to be eligible for the education award....."

AmeriCorps Special Provisions 8 s. states.... "**Program Requirements** Each Program must, at the start of the term of service, establish the guidelines and definitions for the successful completion of the Program year, ensuring that these Program requirements meet the Corporation's service hour requirements as defined below:

- i. **Full-Time Members.** Members must serve at least 1700 hours during a period of not less than nine months and not more than one year.
- ii. **Half-Time Members.** Half-time members must serve at least 900 hours during a period of one or two years as indicated in the approved budget.
- iii. **Reduced Half-Time Members.** Reduced half-time members must serve at least 675 hours over a time not to exceed one year.
- iv. **Quarter-Time Members.** Quarter-time members must serve at least 450 hours over a time not to exceed one year.
- v. **Minimum Time Members.** Minimum time members must serve at least 300 hours over a time not to exceed one year".

POLICY:

It is the intent of the North Dakota Workforce Development Council-State Commission on National and Community Service (State Commission) that AmeriCorps Members be provided the opportunity to complete their contracted term of service within the period provided for in the Sub Grantee contract.

Recognizing that there are extenuating circumstances that do arise which are beyond the direct control of the Sub Grantee and/or the AmeriCorps Member, the State Commission will consider Sub Grantee No-Cost Extensions and/or placement of AmeriCorps Members in another AmeriCorps Program to fulfill their minimum hour requirements to meet eligibility for their Education Award. These extenuating circumstances will include:

1. Should a Program not be renewed, a member who was scheduled to continue in a term of service either may be placed in another Program where feasible, or a member can receive a prorated education award if the member has completed at least 15% of the service hour requirement;
2. When there is a "Pause in Enrollments" which is initiated by the Corporation for National and Community Service or the State Commission which impacts on timely enrollments and the ability for the AmeriCorps Member to complete the required enrollment hours;
3. In cases where an enrolled AmeriCorps Member is unable to complete the required enrollment hours due to documented illness, military duty, or similar circumstance; and
4. All other circumstances which would require action and approval by the State Commission Executive Committee.

REFERENCE:

- (0) State Commission minutes dated June 16, 2004
- (1) State Commission Electronic Vote dated July 6, 2006
- (2) State Commission minutes dated April 22, 2009
- (3) State Commission minutes dated July 18, 2012

SUNSET: April 22, 2015

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-14-05 (2)

FINDINGS, RESOLUTIONS AND DEBT MANAGEMENT

PURPOSE:

Federal regulations require the Governor to prescribe an appeals procedure for non-federal audit resolution disputes. The purpose is to advise grant recipients of the appeals procedure following the issuance of a final determination by the North Dakota Department of Commerce, Division of Workforce Development in the event of an audit resolution dispute.

State Commission on National and Community Service (State Commission) has responsibility for protecting the State and Governor against disallowed costs as a result of grants administration by insuring prompt, appropriate, and aggressive action is taken to recover any funds misspent by the grantee or subgrantees.

This policy covers the resolution of findings, including, but not limited to, questioned costs and administrative deficiencies identified as a result of an investigation, monitoring, or audit activity. This policy covers the appeal process, timelines for appeal and the management of debts resulting from findings resolutions. In cases, where this policy conflicts with statutes or regulations, the latter shall be controlling.

The State Commission has adopted policies to insure timely monitoring of AmeriCorps subgrantee programs for compliance with the contract and AmeriCorps Provisions: Assuring that programs spend AmeriCorps funds for the purposes outlined in their program's application and budget; Compliance with member eligibility requirements; and Insuring that program activities are legitimate. Monitoring is intended to improve programs, insure that basic components of compliance are in place and identify training or technical assistance needs from the very beginning.

POLICY:

Findings Resolutions:

Findings resulting from desk audits, on-site program compliance, and financial management audits will be documented and resolved in a timely manner.

A "draft" final monitoring report will be issued by the Program Officer within 10 work days of completion on a desk audit, on-site program compliance, or financial monitoring visit.

The Executive Director of the State Commission shall evaluate the findings, recommendations and corrective action recommendations contained in the "draft" final monitoring report to determine proper action. If there are administrative findings, the Executive Director, will issue a Report of Findings within 10 work

days of receiving the “draft” final monitoring report. If there are questioned costs or compliance issues, the Executive Director, after consulting with the State Commission Executive Committee, will issue a Report of Findings within 15 work days of receiving the final report.

Sub Grantees will have 10 work days from receipt of the Report of Findings to provide a written response containing a corrective action plan and resolve any finding, compliance issues, or questioned costs contained in the Report.

The Executive Director, within fifteen (15) work days of receipt of the corrective action plan or expiration of the due date for the subgrantee to submit their corrective action plan, will render a “Final Report of Findings” outlining the findings, corrective action required and due dates for completion of the corrective action or repayment of questioned costs.

Appeals:

1. Time to File an Appeal After the Final Determination: Grantees and Subgrantees who are recipients of AmeriCorps*State Formula funds may request an administrative hearing on a final determination, issued by the Workforce Development Division, concerning administrative findings and disallowed cost deriving from an audit of the Grant Recipient or Subgrantee. Hearing requests must be mailed by Certified Mail – Return Receipt Requested, within twenty-one (21) days after receipt of the final determination letter by the Grant Recipients or Subgrantee’s administrative entity. The request must include a copy of the final determination and a statement specifying those sections of the final determination upon which a hearing is requested. The request shall be mailed to:

Commissioner
North Dakota Department of Commerce
1600 E. Century Avenue, Suite 2
P.O. Box 2057
Bismarck, North Dakota 58502-2057

Failure to request a hearing within twenty-one (21) days from receipt of the final determination shall result in termination of the Grant Recipients or Subgrantee’s right to appeal the final determination.

2. Rules of Procedure:

- a. The Hearing Officer shall be an impartial individual. The North Dakota Department of Commerce will request the services of the Office of Administrative Hearings to conduct the hearings.
- b. Scheduling the Hearing: The Office of Administrative Hearings will schedule the hearing. The notice shall be provided in writing

and identify the date, time, and place of the hearing and the opportunity to present evidence.

- c. Discovery: The parties shall engage in informal pre-hearing discovery for the purpose of exchanging relevant information, and avoiding delays or surprises. The Administrative Hearing Office shall have the discretion to resolve any pre-hearing discovery objections.
 - d. Voluntary Withdrawal of Appeal: The appellant may voluntarily withdraw the appeal with written notice to the Office of Administrative Hearings.
 - e. Involuntary Withdrawal of Appeal: Upon notice to the appellant, the North Dakota Department of Commerce may submit a motion for involuntary withdrawal of appeal upon the appellant's failure to timely prosecute its appeal. The Hearing Officer shall rule upon such motion in a timely manner.
 - f. Representation: Appellant may be represented, at its own expense and without use of federal or State funds, by counsel or, unless prohibited by law, by another representative.
 - g. Witnesses and Evidence: Both parties will have the opportunity to present evidence and witnesses and to cross-examine witnesses at the hearing. Evidence and witnesses will be limited to only those issues specified in appellant's request for hearing.
 - h. General Procedures: Audit Resolution appeal hearings shall be conducted informally. Formal rules of evidence shall not apply.
 - i. Written Decision: A written decision by the Administrative Hearings Officer will be submitted to the parties in a timely manner. The Hearing Officer's written decision shall represent the North Dakota Department of Commerce's final action unless a timely appeal is filed.
3. The decision of the Administrative Hearings Officer shall be final unless within fifteen (15) work days after the receipt of the decision, a party wishes appeals the decision to the Corporation for National and Community Service. Appeals of Administrative Officer determinations should be addressed to:

Director
Corporation for National & Community Service
AmeriCorps State and National Programs
1201 New York Ave., Rm. 9514
Washington, DC 20525

The Corporation's decision is final.

Payment of Debts Receivable:

A debt becomes payable when a determination or decision establishing the debt becomes final.

Methods of Payment:

All payments for debts shall be paid from non-Corporation for National & Community Service or other non-federal funds.

Collection of Debts:

The Executive Director of the State Commission will be responsible for the collection of established debts and shall take prompt, appropriate, and aggressive action to recover the debt. Prompt and appropriate action will include the referral of the debt to the North Dakota Attorney General's Office or Private Collection Agency for collection.

When a debt has been determined as uncollectible, the Governor shall have the option of requesting a waiver of the state liability for the debt from the Corporation for National and Community Service.

The full amount of the disallowed costs collected shall be reprogrammed into the same program except where the collection involved funds for which the grant period has expired. In those cases, the amount collected will be remitted to the Corporation for National and Community Service.

Accounting for debts within the North Dakota Department of Commerce financial records will be the responsibility of the Administrative Division of the North Dakota Department of Commerce.

REFERENCE:

- (0) State Commission minutes dated October 19, 2005
- (1) State Commission minutes dated November 19, 2008
- (2) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE
(STATE COMMISSION)
GRIEVANCE PROCEDURE**

POLICY 1-15-05 (3)

GRIEVANCE AND COMPLAINT POLICY

PURPOSE:

The State Commission on National and Community Service (State Commission) has adopted a Grievance and Complaint Policy to insure prompt and equitable resolution of grievances and complaints involving the administration of the AmeriCorps*State Formula Program brought forward from AmeriCorps members, AmeriCorps applicants, labor unions, subgrantees and service, subgrantees and any other interested individuals.

The grievance and complaint policy is not designed to address all issues. Allegations of fraud or criminal activity must be reported directly to the Corporation for National and Community Service's Inspector General. Allegations of discrimination should be directed in writing to the Corporation's Office of Equal Opportunity.

Grievance policy requirements are published in the Corporation's statute (42 U.S.C. section 12636) and regulations (45 C.F.R. Section 2540.230).

All grievances and complaints, if appropriate, should first follow the agency or subgrantee Grievance Procedure. Complaints and Grievances against the State Commission should be filed directly with the State Commission.

Bylaw, programs, and the State Commission must provide an opportunity for a grievance hearing, provided that the grievance or complaint is properly filed within one year of the matter at issue.

POLICY:

Pre-Complaint Process

Ideally, disputes and problems should be resolved between parties on a one-to-one basis at the lowest organizational level. The issues should be clearly stated and understood by both parties. If the matter can not be resolved satisfactorily, the aggrieved party may seek resolution through a formal process, which can lead to binding arbitration or alternative means such as mediation or facilitation.

In filling a grievance or complaint, the issues should be clearly stated. If the dispute cannot be resolved at the agency or subgrantee level and the Grievance or Complaint involves practices, actions or procedure of an AmeriCorps agency or subgrantee, their Grievance and Complaint Procedure must first be followed.

If the agency/subgrantee Grievance or Complaint determination is not favorable to aggrieved party, or if both parties have signed off on a written waiver to waive the agency/subgrantee procedure, a formal written appeal may be filed with the North Dakota State Commission on National and Community Service within 1 year of the occurrence of the matter at issue. The grievance/complaint must be filed in writing.

Formal Complaint Process

While grievances may be filed not later than one year after the date of the alleged occurrence, except for a grievance that alleges fraud or criminal activity pursuant to 45 CFR Section 2540.230, it is preferred that they be filed as soon after the date of the alleged occurrence as possible.

In the absence of a waiver, an AmeriCorps member or applicant who intends to file a formal grievance or complaint must begin by using the agency/subgrantee Grievance Procedure within established time limits. Failure to do so may result in loss of right to appeal to the State Commission.

If an agency has no Grievance Procedure or has failed to respond to a grievance in a timely manner, an aggrieved party may appeal directly to the State Commission

Allegations of fraud or criminal activity must be reported immediately to the Corporation for National and Community Service's Inspector General. If the grievance pertains to discrimination on the basis of race, color, national origin, gender, age, or disability, the member or interested party will immediately be notified in writing of his/her right to file a discrimination complaint with the Corporation's Office of Equal Opportunity.

Grievance and Complaint Process

1. All Grievances and Complaints must be submitted on Form "Appeal to the North Dakota Workforce Development Council – State Commission on National and Community Service". Grievances and Complaints must be sent to the following address:

North Dakota State Commission on National and Community Service
North Dakota Department of Commerce
Division of Workforce Development
1600 East Century Avenue, Suite 2
P.O. Box 2057
Bismarck, North Dakota 58502-2057

Grievance Hearing

1. Within ten (30) calendar days from the date the Grievance or Complaint is received by the State Commission, the Executive Director of the State Commission will schedule a hearing with the North Dakota State Commission

Executive Committee Grievance and Complaint Subcommittee to hold an hearing and/or to interview the parties involved in the dispute. The Grievance and Complaint Subcommittee of the North Dakota State Commission and will render a decision within sixty (60) calendar days from the date the grievance or complaint was filed.

Binding Arbitration:

By law, programs and the State Commission must provide an opportunity for binding arbitration in the event a grievance hearing decision is adverse to the aggrieved party or if no decision is made within 60 calendar days of the filing of the grievance or complaint.

Requests for Arbitration may be made by the aggrieved party if the grievance hearing is adverse. Requests for Arbitration must be made in writing and sent to:

**Executive Director
North Dakota State Commission on National and Community Service
North Dakota Department of Commerce
Division of Workforce Development
1600 East Century Avenue, Suite 2
P.O. Box 2057
Bismarck, North Dakota 58502-2057**

The arbitrator must be independent and selected by agreement of the parties involved. If the parties cannot agree on an arbitrator, the CEO of the Corporation for National and Community Service will appoint one within 15 calendar days after receiving a request from one of the parties.

1. An arbitration proceeding must be held no later than 45 calendar days after the request for arbitration, or no later than 30 calendar days after the appointment of an arbitrator by the State Commission's Chairperson. An arbitration decision must be made no later than 30 calendar days after the commencement of the arbitration proceeding.
 - a. The cost of arbitration must be divided evenly between the parties, unless the aggrieved party prevails, in which case the program, or in the case the grievance or complaint is filed against the State Commission, must pay the total cost of the proceeding as well as the prevailing party's attorney's fees.

A law suit to enforce an arbitration award may be brought in any federal district court having jurisdiction over the parties.

REFERENCE:

- (0) State Commission minutes dated October 19, 2005
- (1) State Commission minutes dated November 19, 2008

(2) State Commission minutes dated October 16, 2013

SUNSET: October 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-16-06 (2)

ADDITIONAL VOLUNTARY MATCH REQUIREMENT

PURPOSE:

Per the 2009 AmeriCorps NOFO, it states the minimum grantee share is 24%. After the first 3 years of funding, the overall grantee share of costs increases gradually to 50% by the tenth year of funding and any year thereafter.

Each applicant must submit a budget that meets this requirement. Any budgeted matching percentages above these amounts is consider additional voluntary match.

POLICY:

The State Commission requires each sub-grantee receiving formula funds from the State of North Dakota to meet their budgeted match. If the sub-grantee cannot meet the budgeted match they must submit, in writing, to the State Commission, an explanation/reasoning why they cannot meet the budgeted match. The State Commission will then rule on whether to accept or deny the lower match based on the explanation/reasoning given.

All sub-grantees must meet the statutory matching and overall match minimums as set by the Corporation.

REFERENCE:

- (0) State Commission minutes dated January 11, 2006
- (1) State Commission minutes dated November 19, 2008
- (2) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-17-06 (3)

APPLICATION SCORE SHEETS

PURPOSE:

The current application selection criterion relies solely on the application scores of peer reviewers. For more accountability assurances, an application selection criteria should be used to rate the overall applicant. The Corporation for National and Community Service holds in high esteem such issues as member enrollment rates and retention rates, sustainability and past performance.

A tool has been created that takes into consideration the applicants ability to explain what community need they will serve and how they will service that need while also considering factors such as past performance and how the applicant incorporates sustainability into their plans.

POLICY:

Some of the selection criteria are not applicable for new applicants when compared to continuation applicants.

The State Commission will follow the attached rating form for new and previously funded formula applicants.

REFERENCE:

- (0) State Commission minutes dated January 11, 2006
- (1) State Commission minutes dated November 19, 2008
- (2) State Commission minutes dated April 07, 2010
- (3) State Commission minutes dated October 16, 2013

SUNSET: April 17, 2016

Selection Criteria and Process for Formula Grant Competition (Brand new applicant)

<i>Step</i>	<i>Criteria</i>	<i>Points</i>	<i>Formula</i>
1	Average Application Score	25.0	Average Peer Review Scores times 25%
2	Aligned Performance Measure <i>Must contain at least one measure that has the 3 elements: output, intermediated outcome & end outcome</i>	2.5	One measure clearly explaining Output, Intermediate Outcome and End Outcome
3	Enrollment Rate for most recently completed program years (up to 3 years) <i>Actual enrollments / planned (budgeted / awarded) enrollments</i>	N/A	(Actual enrollments / planned enrollments) x 100 x 17.5%
4	Retention Rate for most recently completed program years (up to 3 years) <i>Number of members completing their term of service / planned (budgeted / awarded) enrollments</i>	N/A	(Successful completions / planned enrollments) x 100 x 17.5%
5	Service Hour Completion Rate for most recently completed program years (up to 3 years) <i>Actual hours completed by members / planned (budgeted / awarded) hours</i>	N/A	(Actual hours completed / planned hours) x 100 x 15%
6	Application Meets / Exceeds Overall Match Requirement <i>Meet-1%=1, 1.1-2%=2, 2.1-3%=3, 3.1-4%=4, 4.1%-5%=5; 5.1%-6%=6; 6.1%-7=7; 7.1%-8%=8, 8.1%-9%=9, 9.1% & up=10</i>	10.00	All Costs have an Overall Match Minimum Requirement Depending on Years of Funding
7	Meet / Exceed Past Performance Measures Elements (up to 3 years) <i>Number of meet or exceeded performance measures / total number of performance measures</i>	N/A	Performance Measures elements meet or exceeded / total performance measures
Total Points			Total possible points of 37.5

B	Bonus Points: Cost Per Member	5.0	Bonus
	<i>Meet-\$499 = 0; \$500-\$999 below = 1; \$1,000-\$1,499 below = 2; \$1,500-\$1,999 below = 3; \$2,000-\$2,499 below = 4; \$2,500+ below = 5</i>		
B	Bonus Points: More than one aligned performance measure	5.0	Bonus
	<i>1 aligned performance measure = 0; 2 aligned performance measures = 2; 3 aligned performance measures = 4; more than 3 aligned performance measures = 5</i>		
Total Points: including bonus points			Total possible points of 37.5
Final Score			Total Points: including bonus points / Total possible points of 37.5

Selection Criteria and Process for Formula Grant Competition (Previously funded applicant)

Step	Criteria	Points	Formula
1	Average Application Score	25.0	Average Peer Review Scores times 25%
2	Aligned Performance Measure <i>Must contain at least one measure that has the 3 elements: output, intermediated outcome & end outcome</i>	2.5	One measure clearly explaining Output, Intermediate Outcome and End Outcome
3	Enrollment Rate for most recently completed program years (up to 3 years) <i>Actual enrollments / planned (budgeted / awarded) enrollments</i>	17.5	(Actual enrollments / planned enrollments) x 100 x 17.5%
4	Retention Rate for most recently completed program years (up to 3 years) <i>Number of members completing their term of service / planned (budgeted / awarded) enrollments</i>	17.5	(Successful completions / planned enrollments) x 100 x 17.5%
5	Service Hour Completion Rate for most recently completed program years (up to 3 years) <i>Actual hours completed by members / planned (budgeted / awarded) hours</i>	15.0	(Actual hours completed / planned hours) x 100 x 15%
6	Application Meets / Exceeds Overall Match Requirement <i>Meet-1%=1, 1.1-2%=2, 2.1-3%=3, 3.1-4%=4, 4.1%-5%=5; 5.1%-6%=6; 6.1%-7=7; 7.1%-8%=8, 8.1%-9%=9, 9.1% & up=10</i>	10.0	All Costs have an Overall Match Minimum Requirement Depending on Years of Funding
7	Meet / Exceed Past Performance Measures Elements (up to 3 years) <i>Number of meet or exceeded performance measures / total number of performance measures</i>	12.5	Performance Measures elements meet or exceeded / total performance measures
Total Points			Total possible points of 100.0

B	Bonus Points: Cost Per Member	5.0	Bonus
	<i>Meet-\$499 = 0; \$500-\$999 below = 1; \$1,000-\$1,499 below = 2; \$1,500-\$1,999 below = 3; \$2,000-\$2,499 below = 4; \$2,500+ below = 5</i>		
B	Bonus Points: More than one aligned performance measure	5.0	Bonus
	<i>1 aligned performance measure = 0; 2 aligned performance measures = 2; 3 aligned performance measures = 4; more than 3 aligned performance measures = 5</i>		
Total Points: including bonus points			Total possible points of 100.0

Final Score		Total Points: including bonus points / Total possible points of 100.0
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**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-18-06 (2)

SUB-GRANTEE PROJECT EVALUATION REQUIREMENT

PURPOSE:

§ 2522.710 What are my evaluation requirements? (a) If you are a State commission, you must establish and enforce evaluation requirements for your State formula sub-grantees, as you deem appropriate.

(b) If you are a State competitive or direct Corporation AmeriCorps grantee (other than an Education Award Program grantee), and your average annual Corporation program grant is \$500,000 or more, you must arrange for an independent evaluation of your program, and you must submit the evaluation with any application to the Corporation for competitive funds as required in §2522.730 of this subpart.

(c) If you are a State competitive or direct Corporation AmeriCorps grantee whose average annual Corporation program grant is less than \$500,000, or an Education Award Program grantee, you must conduct an internal evaluation of your program, and you must submit the evaluation with any application to the Corporation for competitive funds as required in §2522.730 of this subpart.

(d) The Corporation may, in its discretion, supersede these requirements with an alternative evaluation approach, including one conducted by the Corporation at the national level.

(e) Grantees must cooperate fully with all Corporation evaluation activities.

§ 2522.730 How and when do I submit my evaluation to the Corporation?

(a) If you are an existing grantee competing for AmeriCorps funds for the first time, you must submit a summary of your evaluation efforts or plan to date, and a copy of any evaluation that has been completed, as part of your application for funding.

(b) If you again compete for AmeriCorps funding after a second three-year grant cycle, you must submit the completed evaluation with your application for funding.

§ 2522.520 What special terms are used in this subpart? (e) *Internal evaluation* means an evaluation that a grantee performs in-house without the use of an independent external evaluator.

POLICY:

The State Commission requires all formula funded projects to perform an internal or an external evaluation for every three-year grant cycle.

If the sub-grantee is competing for the first time, they must submit a summary of their planned evaluation efforts.

If the sub-grantee is competing for a second three-year cycle they must submit a completed evaluation with their application for formula funding.

REFERENCE:

- (0) State Commission minutes dated January 11, 2006
- (1) State Commission minutes dated November 19, 2008
- (2) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-19-06 (2)

SECTION III, ADMINISTRATIVE COSTS BUDGETED EXCEPTIONS

PURPOSE:

Applicants can choose to use one of two methods to calculate allowable administrative costs; a Corporation fixed percentage method or a federally approved indirect cost rate method.

If you choose the Corporation Fixed Percentage Method (Section IIIA in eGrants), you may charge, for administrative costs, a fixed 5% of the total of the Corporation funds expended. In order to charge this fixed 5%, the grantee match for administrative costs may not exceed 15% of all direct cost expenditures.

POLICY:

The State Commission requires all sub-grantees to follow the 5% Corporation for National and Community Service (CNCS) funds no more than 15% of all direct costs for Section III. If a sub-grantee anticipates not spending all of their budgeted CNCS funds for a section I or II they can request a budget adjustment. The budget adjustment can only be between sections I and III or sections II and III. The budget adjustment cannot exceed total budgeted CNCS funds and it must not exceed the 5% CNCS funds and no more than 15% of all direct costs.

REFERENCE:

- (1) State Commission minutes dated January 11, 2006
- (2) State Commission minutes dated November 19, 2008
- (3) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-21-06 (2)

PEER REVIEW PROCESS

PURPOSE:

The Corporation has an internal policy that once an application has been approved for funding the following two consecutive years of applications said project's applications are exempt from the peer review process.

Once the Corporation approves an applicant, the applicant is considered approved for three years. The following 2 consecutive years of applications filed by said applicant are exempt from the peer review process. All said applications must be for meeting the same community need.

The only exception to this process of exempting the application for 2 years of peer review is when an applicant is underperforming.

POLICY:

The State Commission will subject each applicant to the full review process each year an application is submitted for approval or denial based on this review process.

REFERENCE:

- (0) State Commission minutes dated April 19, 2006
- (1) State Commission minutes dated April 22, 2009
- (2) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-22-06 (3)

PROCESS FOR COMPETITIVE FUNDING APPLICATIONS

PURPOSE:

Due dates for all applications other than formula funded applications are due on eGrants at a date set by the Corporation.

If the State Commission should consider funding a competitive application it will need to establish its own policy to do such.

POLICY:

The State Commission will subject all North Dakota applications for AmeriCorps funding, to include State Competitive applications, to go through the same process formula funded applications go through.

The State Commission will consider any North Dakota applicant for formula funding if they are not approved for funding from the Corporation for National and Community Service (CNCS). Thus, no applications will be released for formula funding to the CNCS until the CNCS has approved or denied funding for North Dakota State Competitive applications.

If applicable, when a North Dakota application for State Competitive funding is denied the formula, review process score for that application will be used to determine the State Commission's approval or denial of the application. Only after this process has been completed will formula funded applications be release to the CNCS.

REFERENCE:

- (0) State Commission minutes dated January 11, 2006
- (1) State Commission minutes dated April 19, 2006
- (2) State Commission minutes dated April 22, 2009
- (3) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-23-06 (4)

SUBMITTING FORMULA FUNDED EXPANSION APPLICATIONS

PURPOSE:

The Corporation for National and Community Services leaves formula funded issues up to the State Commission to set policy. The State Commission has no formal policy on this issue. The State Commission receives a set amount of formula funds and Member Service Years (aka Full-time Equivalents or FTEs).

POLICY:

The State Commission will consider “expansion” to mean an increase in requested CNCS / federal funds only.

All continuation projects applications will be held to their prior years CNCS / federal funding levels less any one year supplemental funding. If they wish to request an expansion they can do so by submitting a separate funding request; using the State Commission supplied documents to do so.

The State Commission reserves the right to:

- ▶ Deny the original application
- ▶ Accept only the original application
- ▶ Deny only the expansion in CNCS / Federal funding request
- ▶ Accept the original and expansion in CNCS / Federal funding request
- ▶ Negotiate any original and expansion amounts it sees fit to negotiate

During times the Corporation for National and Community Services increases the cost per MSY, all continuation project applications will be allowed to increase their previous years CNCS / federal funding amount for the current application by said amount of increase per MSY for each MSY they had previously requested. The increase in MSY will not be reflected by any increase in MSY the current applicant wishes to request.

To mean, if the increase is \$400 per MSY (for example from \$12,600 MSY to \$13,000 MSY) and the projects previous years MSY request was 4.000 MSY this project would be able to increase their CNCS / federal funding by \$1,6000.

REFERENCE:

- (0) State Commission minutes dated April 19, 2006
- (1) State Commission minutes dated April 22, 2009
- (2) State Commission minutes dated January 13, 2010
- (3) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-24-06 (3)

APPLICANT DEFINITIONS

PURPOSE:

The Corporation for National and Community Services refer to the following:

Continuation, as found in the 2006 AmeriCorps NOFA, as “current grantees that are currently in their first or second year of operation within a three-year grant cycle may submit a request for continued funding.”

Re-competing, as found in the 2006 AmeriCorps NOFA, as “programs have completed three years of funding and are required to re-compete rather than participate in the streamlined continuation application process.”

New, as found in the Merriam-Webster's Dictionary, as “having recently come into existence or use.”

POLICY:

The State Commission will refer to these terms, in conjunction with the Corporation for National and Community Services references to mean:

Continuation as “sub-grantees that have consecutively, following one after the other in order, received formula funding may submit a request for continued formula funding.”

Re-competing as “sub-grantees that have completed three consecutive, following one after the other in order, years of formula funding and will be considered as a re-compete applicant rather than participate as a new applicant.”

New as “applicants having come into existence, as not to be in consecutive years, following one after the other in order, so as to begin.

To mean, if a sub-grantee received funding in one grant / contract year and then applies for funding in the next, consecutive, grant / contract year the sub-grantee will be considered a “continuation” applicant.

If the sub-grantee has received funding in three consecutive grant / contract years the sub-grantee will be considered a “re-competing” applicant. Currently, the State Commission does not have a policy concerning consecutive three-year funding cycles; thus, no formula applicant could be considered a “re-competing” applicant.

If an applicant did not receive funding in the previous grant / contract year and then applies for formula funding in the next grant / contract year, the sub-grantee will be treated as a “new” applicant. Upon receiving the formula funding, a “new” sub-grantee must comply with all requirements of a sub-grantee who has never applied for / received funding. Such an applicant would be subjected to the Corporations policy on match requirement, meaning even though there was a break in the grant cycle priors years or receiving funding will be used to determine the level of match required and prior member enrollment, completion and project performance will be used when considering said applicant for funding.

REFERENCE:

- (0) State Commission minutes dated April 19, 2006
- (1) State Commission minutes dated April 22, 2009
- (2) State Commission minutes dated October 6, 2010
- (3) State Commission minutes dated October 16, 2013

SUNSET: October 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-25-06 (3)

PERFORMANCE MEASURES AND PLAN

PURPOSE:

There is no formal guidance set by the Corporation for National and Community Service as to the length of time a sub-grantee has after receiving a contract to download a Sub-grantees performance measures from eGrants and develop a plan to gather the data needed to determine if a performance measure target is being meet.

POLICY:

For all returning sub-grantees the following steps must be completed within 60 days after the start of their contract, and for all new sub-grantees they will have 90 days after the start of their contract to complete the following steps. Sub-grantees must:

- ▶ Re-work the application's performance measures wording;
- ▶ Complete all sections of the performance measure worksheet in the format provided by the State Commission staff;
- ▶ Develop and submit copies to the State Commission staff the instrument(s) the project plan to use to gather the information needed to measure the results;
- ▶ Develop the plan in which the data will be collected, aggregated and analyzed.

The performance measurement worksheet and plan must be completed using the format provided by the State Commission staff.

The following process will be used to complete this task:

1. The State Commission staff will download the sub-grantees performance measures from eGrants and will e-mail the performance measures to the sub-grantees in the State Commission format;
2. Sub-grantees will re-work performance measures wording; completing all sections of the performance measure worksheet and will develop and submit copies of their instruments they plan to use to gather the performance data;
3. Sub-grantees will provide to the State Commission staff the performance measures in the format provided to them by the State Commission staff. Within 3 working days after the performance measures have been e-mailed back to the State Commission staff, State Commission's Program Officer, or other staff duly assigned, will provide feedback, via e-mail, to the sub-grantees concerning the performance measure worksheets, plans and instruments;

4. Based on the State Commission's Program Officer's, or other staff duly assigned, feedback, if the sub-grantee plans to re-work any part of the performance measure worksheets, plans and instruments they must notify the State Commission's Program Officer, or other staff duly assigned, via e-mail, within 3 working days after the State Commission's Program Officer, or other staff duly assigned, has provided feedback via e-mail;
5. Upon completing the re-work, the sub-grantee will e-mail the performance measures back to the State Commission's Program Officer, or other staff duly assigned;
6. Within 3 working days after the sub-grantee will e-mail the State Commission's Program Officer, or other staff duly assigned back the performance measures in the format provided to them by the State Commission staff, the State Commission's Program Officer, or other staff duly assigned, will provide feedback, via e-mail, to the sub-grantees concerning the performance measure worksheets, plans and instruments;
7. If needed, steps 5 through 7 will be repeated until the sub-grantees notify the State Commission's Program Officer, or other staff duly assigned, via e-mail, that no re-work is needed, keeping to the 3 working day limitation;
8. Upon e-mail notification by the sub-grantee to the State Commission's Program Officer, or other staff duly assigned, that no re-work is needed, the State Commission will approve the performance measures by e-mailing the sub-grantee that the performance measures have been approved and the State Commission's Program Officer, or other staff duly assigned, will provide any remaining, needed feedback to the performance measures via e-mail.

REFERENCE:

- (0) State Commission minutes dated April 19, 2006
- (1) State Commission minutes dated April 22, 2009
- (2) State Commission minutes dated October 6, 2010
- (3) State Commission minutes dated October 16, 2013

SUNSET: October 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-26-06 (2)

BUDGET ADJUSTMENTS

PURPOSE:

Currently, in the case of budgetary changes, the Corporation requires the grantee to obtain prior written approval from the approved budget in any of the following ways:

- ▶ Reallocation of Funds from the "Member Support Cost" category to other categories of the approved budget.

POLICY:

Any budget adjustment requests must be made at least 60 days prior to the contract term end date, not to include any "no cost extension" term end date contract amendments.

To mean, if a contract ends on September 30 any budget adjustments must be requested no later than July 31. If a "no cost extension" contract amendment has been granted that extends the end date to December 31, for example, all budget adjustments must still be made no later than July 31. If the original contract was to end on September 30 and a request to change the contract term end date to another date, then the new contract term end date is the date in which the 60 day budget adjustment requirement will be measured against.

REFERENCE:

- (0) State Commission minutes dated April 19, 2006
- (1) State Commission minutes dated April 22, 2009
- (2) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-27-06 (2)

ADMINISTRATIVE COSTS CLAIMING PROCEDURES

PURPOSE:

There is no formal guidance set by the Corporation for National and Community Service on how much of the administrative costs a sub-grantee can claim on any Request for Reimbursement.

POLICY:

When filing a Request for Reimbursement, at no time, shall the sub-grantee, in total, exceed the limited administrative percentages for federal and grantee share as approved in their approved budget.

To mean, if a sub-grantee's budget was approved for 4% federal share and 8% grantee share, then no claim shall exceed those percentages for administrative costs. Unless, the sub-grantee should under-claim these costs in a previous claim, then including all claims made, the total administrative cost percentages for federal and grantee share shall not exceed the budgeted percentages, at any time.

REFERENCE:

- (0) State Commission minutes dated April 19, 2006
- (1) State Commission minutes dated April 22, 2009
- (2) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-28-06 (2)

MEMBER FILE CHECKLIST

PURPOSE:

By accepting funds from the Corporation for National and Community Services, the grantee, and thus sub-grantees, agrees to comply with the AmeriCorps Provisions, all applicable federal statutes, regulations and guidelines, and any amendments thereto.

To assist in determining compliance concerning the members a checklist has been developed to assist the sub-grantees and the State Commission is assuring compliance.

POLICY:

The State Commission requires all member files to contain the document titled “Member File Checklist.” The sub-grantee must respond to all the statements made therein. The member file must include all documentation to support the sub-grantees “yes” responses and, when applicable, provide documentation to support the sub-grantees “In the Program Files” responses.

Sub-grantees will be deemed not in compliance with this policy if, based on their responses to the statements, they cannot provide the necessary documentation in the location as indicated by their responses.

REFERENCE:

- (0) State Commission minutes dated April 19, 2006
- (1) State Commission minutes dated April 22, 2009
- (2) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

Member File Checklist:

Documents	In Member's file?		In the Program's files?
	Yes	N/A	
1. Application form; signed & dated by Members before they start their service.			
2. Document Member's eligibility (copy of birth certificate, social security card, passport, etc.)			
3. Enrollment form, signed by Member and Program Coordinator (term should be same as contract)			
4. Copy of diploma, GED or statement attesting to pursuing diploma or GED			
5. Member's position description			
6. Criminal background check on Member			
7. Contract, signed by Member and Program Coordinator (before the start date)			
8. Member's loan forbearance form			
9. Member's publicity release form			
10. AmeriCorps Pledge			
11. AmeriCorps Identity			
12. Timesheets, signed by Member and supervisor (in a timely manner)			
13a. Mid-term Member evaluation			
13b. Final Member evaluation			
14. Member's Exit form			
15. Change of Status form			
16. Documentation on compelling personal circumstances			
17. Sub-grantee's grievance policy			
18. Sub-grantee's Drug Free Workplace			
19. Sub-grantee's non-discrimination policy			
20. Sub-grantee's reasonable accommodation policy			

21. Sub-grantee's AmeriCorps Members training documentation			
22. Sub-grantee's site agreements (MOU)			
23. Sub-grantee's liability insurance carrier that insures the AmeriCorps Members (General & automobile, if applicable)			
24. If applicable, sub-grantee's Health Care policy			
25. If applicable, member's enrollment in Health Care plan or documentation of decline to participation in sub-grantee's Health Care plan (full-time member's only)			
26. If applicable, sub-grantee's Child Care policy			
27. If applicable, member's enrollment in Child Care plan or documentation of decline to participation in sub-grantee's Child Care plan (full-time member's only)			
28. If applicable, member's Loan Forbearance Request			
29. If applicable, any incident / injury reports, grievance reports, etc. filed by either the sub-grantee or the member			

Programmatic Notes:

1. It is recommended that you use the standard application for AmeriCorps created by the Corporation. It can be found at <https://recruit.cns.gov/applyform.asp>. A signed copy must be kept in the Members folder. (2002-2003 Program Director's Handbook, pages 25 and 38)
2. CFR Title 45 Part 2522.200 Section C states what the eligibility requirements for an AmeriCorps participant. The program is not required to keep copies of said item(s) but you should document how you were able to verify the Member's eligibility. Best practice would suggest you draft a statement on what you used to verify the Member's eligibility and have the Member sign and date the document. (2005 AmeriCorps Provisions, page 20 and 2002-2003 Program Director's Handbook, page 49)
3. Have Members fill out National Trust Enrollment Forms. Keep the signed original in the Member file and complete the online version in WBRS to officially enroll the Member in the Trust. The Grantee must notify the Corporation's National Service Trust within 30 days upon entering into a commitment with an individual to serve, a member's enrollment in, completion of, lengthy or indefinite suspension from, or release from, a term of service. (2005 AmeriCorps Provisions, page 23 and 2002-2003 Program Director's Handbook, page 60; and **sample of enrollment form**, pages 132 to 134)
4. CFR Title 45 Part 2522.20 states what the eligibility requirements are to be an AmeriCorps Member. If the Member does not have a diploma or GED, there must be documentation in their file that shows they are working on obtaining a diploma or GED. This could be a statement signed by the member that states the fact. (2005 AmeriCorps Provisions, page 6 and 2002-2003 Program Director's Handbook, pages 49, 80 and 119).
 - a. Best practices would suggest you develop a document that either states the applicant has or will graduate from said high school or that they are working on getting a GED from said school. It should state when (month, year) the graduated or plan to graduate. The Member should sign and date the document.
5. Each Member should be fully aware of their position's description. This can be used as an effective recruiting tool and for evaluation purposes. ((2005 AmeriCorps Provisions, page 10 and 2002-2003 Program Director's Handbook, pages 35 and 65)
6. Background criminal record checks are required, to the extent permitted by state law, for members who have substantial direct contact with children (as defined by state law), or who perform service in the homes of children or individuals considered vulnerable by the program. It often takes a long time to get the results, so complete this task as soon as possible. ((2005 AmeriCorps Provisions, page 9 and 2002-2003 Program Director's Handbook, pages 50 and 62)

7. Before Members begin their service, they must sign a member contract that is specific to the service. The program authority must also sign the contract after the member has signed. If the Member is not 17 years of age a parent or guardian must sign the contract. Data from this form should be entered by the program into the online versions in WBRS. ((2005 AmeriCorps Provisions, page 10; 2002-2003 Program Director's Handbook, page 63 and **sample of contract**, pages 77 to 85)
8. The federal Education Loan Forbearance Request form is used to request the postponement of repayment of qualified loans. The Member should complete this form during the enrollment process. (2002-2003 Program Director's Handbook, page 60 and sample of Loan Forbearance Request form, page 135)

If the member has received forbearance on a qualified student loan during the term of service, the National Service Trust will repay a portion or all of the interest that accrued on the loan during the term of service. (2002-2003 Program Director's Handbook, pages 119 - 121 and sample of Loan Forbearance Request form, pages 135 - 136)

9. The sub-grantee must maintain the confidentiality of information regarding individual members. The Grantee must obtain the prior written consent of all members before using their names, photographs and other identifying information for publicity, promotional or other purposes. Parental or legal guardian consent must be obtained for members under 18 years of age. (2005 AmeriCorps Provisions, page 21 and 2002-2003 Program Director's Handbook, page 33 and 90)
10. During the orientation, at the completion of pre-service training, or at another appropriate point, members should be asked to take the AmeriCorps pledge. (2002-2003 Program Director's Handbook, page 26)

I will get things done for America—to make our people safer, smarter, and healthier.

I will bring Americans together to strengthen our communities.

Faced with apathy, I will take action.

Faced with conflict, I will seek common ground.

Faced with adversity, I will persevere.

I will carry this commitment with me this year and beyond.

I am an AmeriCorps member, and I will get things done.

11. The common look and affiliation should be advanced by the projects. (2002-2003 program Director's Handbook, pages 27 and 30)
 - ◆ Members should identify themselves as AmeriCorps members and describe AmeriCorps appropriately.
 - ◆ Signs should identify sites as AmeriCorps project sites.
 - ◆ Program staff should be able to discuss AmeriCorps with visitors.
 - ◆ Stationery, brochures, fax cover sheets, and newsletters can identify the program as AmeriCorps, including the use of the logo.
 - ◆ Your community should be aware that the members are AmeriCorps members.

- ◆ Press releases and other public materials should note that the program is part of the AmeriCorps national service network.
 - ◆ Logos may be downloaded at www.nationalservice.org/logos.
12. Member's must complete timesheets for their service. The timesheets should detail the service activity they are performing and the number of hours performed by individual days. The activities listed should contain all activities they would participate in, including training. Training time should be readily distinguishable from other time. The timesheets should be signed and dated by the Member and the supervisor in a timely manner there after. ((2005 AmeriCorps Provisions, page 8; 2002-2003 Program Director's Handbook, page 64 and OMB Circulars).
- a. Best practices would suggest the timesheets be kept in weekly increments. The Member should sign off and date the timesheet right after the last time is served for that week. The timesheet should be turned over to the appropriate, immediate supervisor for their signature and date. The signing supervisor should turn the timesheet over to the appropriate authority shortly thereafter.
13. CFR Title 45 Part 2522.200 states what the eligibility requirements are to be an AmeriCorps Member. The Grantee must conduct and keep a record of at least a mid-term and end-of-term written evaluation of each member's performance, focusing on such factors as: (2005 AmeriCorps Provisions, page 11 and 2002-2003 Program Director's Handbook, page 79)
- a. Whether the member has completed the required number of hours;
 - b. Whether the member has satisfactorily completed assignments; and
 - c. Whether the member has met other performance criteria that were clearly communicated at the beginning of the term of service.
- Best practices would suggest the mid-term evaluation be done at the mid-point of the Members contract term. The end-of-term evaluation should be done within 30 days of the Members completing or terminating their service.
14. Members must complete and sign a paper End of Term/Exit Form upon completion of service. Data from this form should be entered by the program into the online versions in WBRs. (2005 AmeriCorps Provisions, page 23; 2002-2003 Program Director's Handbook, pages 100 - 101 and, and **Member Exit form**, 2002-2003 Program Director's Handbook, page 137)
15. Upon approval from the State Commission and the Corporation, a Change of Status form must be completed within 30 days. This can be accomplished by completing and approving a Change of Status form in WBRs. (2005 AmeriCorps Provisions, page 13 and 2002-2003 Program Director's Handbook, page 100)
16. CFR Title 45 Part 2522.230 state under what circumstances an AmeriCorps member may be released from completing a term of service. The Grantee is responsible for determining whether a Member's personal circumstances are

sufficiently compelling to justify release from service on this basis. (2005 AmeriCorps Provisions, page 15 and 2002-2003 Program Director's Handbook, pages 82 – 84 and 92 - 93)

- a. Best practices would suggest the personal compelling circumstance(s) be documented and kept in the Member's file. This is to support the Member's eligibility for a pro-rated education award. (2002-2003 Program Director's Handbook, page 64)
17. CFR Title 45 Part 2540.230 states what grievance procedures must a sub-grantee establish? You must explain to your members the grievance procedures of your program and have a signed copy acknowledging the member's understanding of these procedures. (2005 AmeriCorps Provisions, page 29 and 2002-2003 Program Director's Handbook, pages 86 - 89)
 - a. Best practices would suggest you include this policy right in the Member's contract and have them initial by the policy that the information was communicated to them.
18. CFR Title 45 Part 2545 explains the government requirements for drug-free workplace. The Drug Free Workplace Act requires you to give notice about the Act to your employees and members and to conduct a drug free awareness program. (2005 AmeriCorps Provisions, page 10 and 11 and 2002-2003 Program Director's Handbook, pages 82 and 91)
 - a. Best practices would suggest you include this Act right in the Member's contract and have them initial by the Act that the information was communicated to them.
19. The sub-grantee must assure that its program or activity will be conducted, and facilities operated, in compliance with the applicable non-discrimination, as well as with their implementing regulations. (2005 AmeriCorps Provisions, pages 26 - 27)
 - a. Best practices would suggest you include this policy right in the Member's contract and have them initial by the policy that the information was communicated to them.
20. Programs and activities must be accessible to persons with disabilities, and the Grantee must provide reasonable accommodation to the known mental or physical disabilities of otherwise qualified members, service recipients, applicants, and program staff. All selections and project assignments must be made without regard to the need to provide reasonable accommodation. (2005 AmeriCorps Provisions, pages 8 – 9 and 2002-2003 Program Director's Handbook, pages 53 - 60)
 - a. Best practices would suggest you include this policy right in the Member's contract and have them initial by the policy that the information was communicated to them.

21. The Sub Grantee must provide members with the training, skills, knowledge and supervision necessary to perform the tasks required in their assigned project positions, including specific training in a particular field and background information on the community served. (2005 AmeriCorps Provisions, pages 10 – 11 and 2002-2003 Program Director's Handbook, pages 66-67 and 79)
 - a. Best practices would suggest you document each Member's attendance at the trainings by having the Member sign their name to training log that records the date and topic covered.
22. Each host site should have an agreement or memorandum of understanding (MOU) that outlines who is responsible for supervising the AmeriCorps member and what activities will be performed by the Member. (2002-2003 Program Director's Handbook, page 52)
23. Under the AmeriCorps provisions, you must have adequate liability coverage for your organization. The coverage must include the AmeriCorps members. (2005 AmeriCorps Provisions, page 16 and 2002-2003 Program Director's Handbook, pages 12 and 108)
24. & 25. CFR Title 45, Part 2519.320 section b states that full-time AmeriCorps positions must be ensured, if necessary, **health care** and child care benefits.
26. & 27. CFR Title 45, Part 2519.320 section b states that full-time AmeriCorps positions must be ensured, if necessary, health care and **child care** benefits.
28. CFR Title 45, Part 2529.10 section b defines under what circumstances the Corporation will pay the interest that accrues on qualified student loans during an individual's term of service in an approved AmeriCorps position?
29. Copies of injury reports, grievance reports, etc. ensure that the sub-grantee and the member were afforded fair rights in all matters.

Note:

- ▶ there is a "Checklist for Getting Members Started" that can be found in the 2002-2003 Program Director's Handbook on pages 62 – 63.
- ▶ What you need to know about member files can be found in the 2002-2003 Program Director's Handbook on page 64.
- ▶ How to plan a member orientation session can be found in the 2002-2003 Program Director's Handbook on pages 65 – 66.
- ▶ What should members' training include can be found in the 2002-2003 Program Director's Handbook on pages 66 – 67.
- ▶ The Checklist for Exiting Members can be found in the 2002-2003 Program Director's Handbook on page 101.

- ▶ The Checklist for Setting Up Financial Systems can be found in the 2002-2003 Program Director's Handbook on page 106.
- ▶ Most of the AmeriCorps forms can be found on this website:
http://www.americorps.org/for_organizations/tta/index.asp

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-29-06 (2)

PERFORMANCE MEASURES PASSING GRADES

PURPOSE:

There is no formal guidance set by the Corporation for National and Community Service as to what is considered meeting or exceeding a performance measure.

POLICY:

The State Commission will require all sub-grantees to meet or exceed all parts of the established “target” for each element of said performance measure. Those elements include outputs, intermediate outcomes and end outcomes. The parts to be measured will be found in the feedback statements that occur because of the Performance Measures and Plans policy.

Feedback statements will include the parts that will establish what data the sub-grantee will need to collect that will be tested to determine if the sub-grantee met or exceeded the performance measure target(s).

Parts are those indicators stated in the target that need to be measured.

To mean, if said feedback statements indicate 4 parts will be tested to determine if the sub-grantee has met or exceeded the performance measure target, then all 4 parts must meet or exceed the target level the sub-grantee established in their “target” for each element of said performance measure.

REFERENCE:

- (0) State Commission minutes dated April 19, 2006
- (1) State Commission minutes dated April 22, 2009
- (2) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-30-06 (2)

SUBMITTING AMERICORPS FORMULA APPLICATIONS

PURPOSE:

The Corporation for National and Community Services instructions are as follows:
“The eGrants system will serve the State Commission’s applicants and grantees. If an applicant is unable to file an application using eGrants, you must contact the State Commission for additional instructions.”

POLICY:

The State Commission will require all applications requesting formula funding to submit their application using the Corporation for National and Community Services online grant application system (currently this is eGrants), unless otherwise granted.

If an applicant is unable to file an application using the Corporation for National and Community Services online grant application system they must notify the State Commission staff, in writing, about the situation. The State Commission staff will not grant exceptions to the online grant application submission based solely on the applicant’s inability to access the Corporation for National and Community Services online grant application system because of a bad / faulty internet connection.

The State Commission staff must give written approval for an applicant to submit a paper application. The State Commission staff reserves the right to refuse a paper application submission.

REFERENCE:

- (0) State Commission minutes dated April 19, 2006
- (1) State Commission minutes dated April 22, 2009
- (2) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-31-06 (3)

NEW SUB-GRANTEES PROGRESS REPORTING

PURPOSE:

The Corporation for National and Community Services require the State Commission to submit progress reports annually.

The contracts between the State Commission and the sub-grantees state “programs are required to complete a Quarterly Progress Report 15 days after the quarter end and an End of Year Progress Report 30 days after the final date of the contract.

POLICY:

The State Commission will require all new sub-grantees to complete the “project development phase,” as outlined in the application instructions. The sub-grantee must plan to complete this phase within 3 months after the start of the contract. No members should be enrolled until this phase has been deemed completed.

New sub-grantees must submit written documentation that supports the completion of each step in the project development phase to the State Commission staff for review. Upon satisfactory completion of the project development phase, the State Commission staff will notify the sub-grantee that they can begin enrolling members.

Once new sub-grantees are notified they can enroll members, the sub-grantee must submit monthly progress reports until 6 months of their contract has expired. The monthly progress reports must address the following three concerns:

1. What did the sub-grantee accomplish in the past month?
2. What does the sub-grantee plan to accomplish in the next month?
3. What difficulties, problems or concerns is the sub-grantee facing, now and in the future?

The monthly progress reports should be filed by the 15th of the next month, or the next working day after the 15th if this day should fall on a weekend or holiday.

All sub-grantees must complete the progress report on the Corporation for National and Community Services electronic reporting system (currently this is WBRs) as the contracts between the State Commission and sub-grantees states.

REFERENCE:

- (1) State Commission minutes dated April 16, 2008
- (2) State Commission minutes dated April 22, 2009
- (3) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-32-06 (4)

MONTHLY REIMBURSEMENT PROCESS

PURPOSE:

The State Commission requires all sub-grantees to submit claims for reimbursement using the State Commissions Electric Periodic Expense Report (PER). The Department of Commerce accounting staff provides sub-grantees with a schedule of due dates for those who are in need of the funds monthly or bi-weekly. The schedule is set up to consider time lags between submission dates and the date funds will be transferred electronically or checks will be mailed.

POLICY:

The State Commission will require all sub-grantees to submit the Electronic Reimbursement Request form via e-mail along with the State Commissions Electric PER according to the schedule of due dates provided by the Department of Commerce accounting staff.

All sub-grantees must complete an Electronic Reimbursement Request form via e-mail along with State Commissions Electric PER each month for the previous month no later than the last “cash request due date” of the month following the month they will be claiming.

To mean, the monthly reimbursement for the month of January must be filed, with the Department of Commerce, State Commission on National and Community Services, no later than the last “cash request due date” establish for the month of February.

The State Commission staff does reserve the right to waive the monthly reimbursement requirement. Any sub-grantee wishing to request a waiver must submit a formal request at the beginning of each contract year.

REFERENCE:

- (0) State Commission minutes dated April 19, 2006
- (1) State Commission minutes dated April 22, 2009
- (2) State Commission minutes dated January 13, 2010
- (3) State Commission minutes dated October 6, 2010
- (4) State Commission minutes dated October 16, 2013

SUNSET: October 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-33-08 (1)

COST PER MEMBER SERVICE YEAR (MSY) APPLICATION REQUIREMENT

PURPOSE:

The Corporation for National and Community Services sets a combined maximum cost per MSY for the sub-grantees in a state.

In approving applications for funding, the State Commission must make sure that the final cost per MSY combined for all the applicants does not exceed this limit. If one application requests a cost per MSY higher than the required amount other projects must request an amount less than the required amount to bring the state's combined cost per MSY into compliance.

POLICY:

The North Dakota State Commission will require that every individual application submitted for consideration is at or below the maximum cost per MSY set by the Corporation for National and Community Services for the state for that year.

To mean, for the 2008-09 grant year the Corporation for National and Community Services set a combined maximum cost per MSY for the sub-grantees in a state at \$12,600. Thus, each application would be required to submit an application that has a cost per MSY at or below the maximum amount of \$12,600 to be considered for funding.

The adoption of this policy will always assure the State Commission funded applicants to be in compliance with the combined maximum cost per MSY for the sub-grantees in a state.

REFERENCE:

- (0) State Commission minutes dated April 16, 2008
- (1) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-35-08 (1)

SUB-GRANTEE QUARTERLY PROGRESS REPORTS

PURPOSE:

The Corporation for National and Community Services has operated and maintained the data collect system called WBRS (Web Based Reporting System). WBRS is used to collect various data to help assist the Corporation and State Commission's in monitoring their sub-grantees.

Currently, the Corporation is in the process of developing and making operational a new system called the "Member Portal" which will collect some of the data previously collected in WBRS but not all the data collected. The State Commission's are still responsible for making sure they monitor their sub-grantees for compliance. Without WBRS, the State Commission's must develop their own procedures for collecting the required data needed to properly monitor its sub-grantees for compliance.

POLICY:

The State Commission will require all sub-grantees to submit their progress reports using the documents developed by the staff for reporting purposes.

The said documents are required to be submitted, via mail or e-mail, to the State Commission staff on a quarter basis; 15 days after the end of each quarter and the final, end of grant year progress report due within 30 days after the final date of the contract.

REFERENCE:

- (0) State Commission minutes dated April 16, 2008
- (1) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-36-08 (1)

MEMBER SERVICE HOUR TRACKING

PURPOSE:

The Corporation for National and Community Services has operated and maintained the data collect system called WBRs (Web Based Reporting System). WBRs is used to collect various data to help assist the Corporation and State Commission's in monitoring their sub-grantees.

Currently, the Corporation is in the process of developing and making operational a new system called the "Member Portal" which will collect some of the data previously collected in WBRs but not all the data collected. The State Commissions are still responsible for making sure they monitor their sub-grantees for compliance. Without WBRs, the State Commission's must develop their own procedures for collecting the required data needed to properly monitor its sub-grantees for compliance.

POLICY:

The State Commission will require all sub-grantees to submit member hours served to the State Commission staff on a quarterly basis. The State Commission staff will develop a document to be completed by the sub-grantees to afford the staff to monitor sub-grantees progress towards filling the awarded slots and their members progress towards completing enrolled hours.

The said documents are required to be submitted, via mail or e-mail, to the State Commission staff on the same due date as the sub-grantees progress reports are due.

REFERENCE:

- (0) State Commission minutes dated April 16, 2008
- (1) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-37-09 (1)

AMERICORPS PROJECTS AND DISASTER RESPONSE

PURPOSE:

AmeriCorps members are allowed by the Code of Federal Regulations to part-take in disaster response services.

CFR § 2520.25 What direct service activities may AmeriCorps members perform?

(d) Examples of the types of direct service activities AmeriCorps members may perform include, but are not limited to, the following:

(6) Providing relief services to a community affected by a disaster;

In the 2008 Provisions is states the following:

IV. D. SUPERVISION AND SUPPORT

3. **Supervision.** The grantee must provide members with adequate supervision by qualified supervisors.

Liability Insurance. The grantee is responsible for ensuring adequate general liability coverage for the organization, employees and members, including coverage of members engaged in on- and off-site project activities.

The Corporation for National and Community Services does not have a formal policy on members, while serving in other capacities, responding to disasters but it does encourage the members to do so as AmeriCorps is all about helping communities in need.

POLICY:

This policy will create the guidelines for which projects will follow should their community be affected by a disaster and should the project allow their AmeriCorps members help with disaster response services while counting their time as AmeriCorps service time.

1. The Project/Project Coordinator must contact, in writing, the State Commission Program Officer to request a review of the project's performance measure goals that will be / are adversely affected by the disaster. The Project/Project Coordinator will need to work with the State Commission Program Officer to determine, if any, performance measure goals will not be accomplishable because of the disaster. Together they will establish new goals for those performance measures.
2. The Project/Project Coordinator must contact, in writing, the State Commission Program Officer for approval of having members engage in disaster response services before the members engage in any such activities.

3. The Project/Project Coordinator must attest, in writing, that the members are covered by the project's general liability insurance.
4. The Project/Project Coordinator must attest, in writing, that the members will have proper supervision. The supervision must be directed by appropriate disaster response team personnel.
5. Should a member choose to provide disaster services outside of their AmeriCorps time, the Project/Project Coordinator must inform the member of such activities affect on the members ability to complete their AmeriCorps service time.

REFERENCE:

- | | |
|-----|---|
| (0) | State Commission minutes dated June 10, 2009 |
| (1) | State Commission minutes dated January 16, 2013 |

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-38-10 (1)

SUB-GRANTEE CLOSEOUT

PURPOSE:

The funding awarded to the North Dakota State Commission for its sub-grantees in the form of formula and competitive funding comes in grant cycles. Currently, grant cycles range from one to three years. At the end of the grant cycles the State Commission must certify if excess of funding, equipment and supplies remain with the sub-grantees. The excess of funding is in the form of advances having been made to a sub-grantee, equipment is in the form of any purchases over \$5,000 and supplies is in the form of any purchases over \$5,000.

POLICY:

This policy will address what needs to be done on behalf of the sub-grantees to close out the grant cycle and when it needs to be done.

The State Commission on National and Community Service staff will furnish the sub-grantees the forms to be completed that will provide the information needed to report to the Corporation for National and Community Services to close out the grant year. The forms will be furnished to the sub-grantee by September 1 of the year in which the grant cycle closes out.

The sub-grantee is required to submit said forms back to the State Commission staff by November 15 of the year in which the grant cycle closes out. This will give the State Commission staff time to review the forms and compare said amounts reported to the claims filed by the sub-grantee.

REFERENCE:

- (0) State Commission minutes dated January 13, 2010
- (1) State Commission minutes dated January 16, 2013

SUNSET: January 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-39-10 (2)

AMERICORPS MEMBERS NATIONAL SERVICE DAYS PARTICIPATION

PURPOSE:

The purpose of this policy is for the State Commission to establish a policy that requires AmeriCorps members whose project is funded by AmeriCorps formula funds to be required to actively participate in national days of service.

POLICY:

Each AmeriCorps member, whose project is funded with AmeriCorps formula funds, is required to participate in at least two national days of service events. The projects can either select specific days of service they want members to participate in or allow the members to select the days they would like to participate in. The projects can set specific service activities for the national days of service selected by / for the members or allow the members to set the specific activities for the national days of service selected by / for the members.

At the end of each grant year, along with the project's final progress report, the project's must provide the State Commission with a report on their AmeriCorps members; which National Days of Service the members participated in and the activities performed on those days by the AmeriCorps members.

REFERENCE:

- (0) State Commission minutes dated October 6, 2010
- (1) State Commission minutes dated October 16, 2013

SUNSET: October 16, 2016

**NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL –
STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

POLICY 1-40-10 (2)

TRIBAL AMERICORPS APPLICATIONS

PURPOSE:

The purpose of this policy is to allow any Tribe who filed an application for Tribal AmeriCorps funding to be considered for formula funding should they not receive Tribal AmeriCorps funding.

POLICY:

Any North Dakota Tribe that applies for Tribal AmeriCorps funding that does not receive Tribal AmeriCorps funding can be considered for formula funding. The Tribe must notify the State Commission of their intent to file for Tribal AmeriCorps funding by the same deadlines established for applicants wishing to seek formula funding from the State Commission. The Tribal project sponsor must make the application available to the State Commission to be included with the formula funding applications for the peer review process. To be considered for formula funding, the Tribal application needs to be modified to operate within the North Dakota borders, if so need be.

REFERENCE:

- (0) State Commission minutes dated October 6, 2010
- (1) State Commission minutes dated October 16, 2013

SUNSET: October 16, 2016

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-41-12 (0)

Criminal History Check Procedure Verification Form

PURPOSE:

The Corporation for National Community Services has a policy that states that criminal history checks must be performed on staff and AmeriCorps members.

§ 2522.205 To whom must I apply suitability criteria relating to criminal history?

You must apply suitability criteria relating to criminal history to a participant or staff position for which an individual receives a Corporation grant-funded living allowance, stipend, education award, salary, or other remuneration.

Because of this policy, the State Commission be assured that all staff and AmeriCorps members who qualify under this policy receive a proper criminal history check.

POLICY:

The State Commission requires all member files to contain the document titled "Criminal History Check Procedure Verification Form." The sub-grantee must check all the statements made therein. The member file must include all documentation to support the sub-grantees responses and, when applicable, provide documentation to support the sub-grantees in the program files.

Sub-grantees will be deemed not in compliance with this policy if, based on their responses to the statements, they can not provide the necessary documentation.

REFERENCE:

(0) State Commission Minutes dated October 17, 2012

SUNSET: October 17, 2015

**North Dakota State Commission
Criminal History Check Procedure Verification Form**

Print Name of Member or Employee

Check one box: ☐ AmeriCorps Member ☐ Grant-funded Employee

Member/Employee will have recurring access to vulnerable populations (children, persons age 60 or older, and/or individuals with disabilities):

☐ No

☐ Yes

- ☐ 1. Verified the individual's identity by examining their government-issued photo identification card, such as a driver's license.
- ☐ 2. Obtained prior, written authorization from the individual for the state criminal registry check, FBI fingerprint check, if applicable, and the appropriate sharing of the results of such checks within the program.
- ☐ 3. Documented the individual's understanding that selection is contingent upon the organization's review of the individual's criminal history, if any.
- ☐ 4. Conducted the state criminal registry check for North Dakota and for the state that the individual resides in at the time of application, if applicable, for this individual.
- ☐ 5. Conducted the National Sex Offender Public Registry (NSOPR) check for this individual.
- ☐ 6. Conducted the FBI fingerprint check for this individual
- ☐ 7. Verified that the criminal history checks do not report that the individual is registered or required to be registered on a state sex offender registry, and do not report that the individual has been convicted of murder.
- ☐ 8. Maintained the results of these checks in a separate and secure file.
- ☐ 9. Provided a reasonable opportunity for the individual to review and challenge the factual accuracy of a result before action is taken to exclude the individual from the position.
- ☐ 10. Provided safeguards to ensure confidentiality of any information relating to the criminal history check, consistent with authorization provided by the applicant.
- ☐ 11. Considered the results of these checks in selecting the individual for service or employment.
- ☐ 12. Ensured that an individual, for whom the results of a required State criminal registry check and/or, if applicable, FBI fingerprint check are pending, is not permitted to have access to children, persons age 60 or older, or individuals with disabilities without being accompanied by an authorized program representative who has previously been cleared for such access.

The undersigned certifies that the items checked above have been completed and complied with in accordance with all related federal and state regulations and procedures

Signature and Date

Printed Name and Title of Authorized Program Staff Representative

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-42-13 (0)

PROHIBITED ACTIVITIES

PURPOSE:

According to the Corporation for National and Community Services there are specific activities that members are prohibited from performing, as outlined in 45CFR § 2520.65.

POLICY:

The North Dakota State Commission supports the Corporations for National and Community Services and thus while charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities supported by the AmeriCorps program or CNCS, staff and members may not engage in the following activities:

- a. Attempting to influence legislation;
- b. Organizing or engaging in protests, petitions, boycotts, or strikes;
- c. Assisting, promoting, or deterring union organizing;
- d. Impairing existing contracts for services or collective bargaining agreements;
- e. Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;
- f. Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
- g. Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
- h. Providing a direct benefit to –
 - i. A business organized for profit;
 - ii. A labor union;
 - iii. A partisan political organization;
 - iv. A nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 related to engaging in political activities or substantial amount of lobbying except that nothing in these 9 provisions shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and
 - v. An organization engaged in the religious activities described in paragraph 3.g. above, unless CNCS assistance is not used to support those religious activities;
- i. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive;
- j. Providing abortion services or referrals for receipt of such services; and

k. Such other activities as CNCS may prohibit.

AmeriCorps members may not engage in the above activities directly or indirectly by recruiting, training, or managing others for the primary purpose of engaging in one of the activities listed above. Individuals may exercise their rights as private citizens and may participate in the activities listed above on their initiative, on non-AmeriCorps time, and using non-CNCS funds. Individuals should not wear the AmeriCorps logo while doing so.

REFERENCE:

(0) State Commission minutes dated October 16, 2013

SUNSET: October 16, 2016

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-43-13 (0)

CRIMINAL HISTORY CHECK POLICY

PURPOSE:

Under the Serve America Act (SAA), all grantees must conduct National Service Criminal History checks on participants and program employees in AmeriCorps who have recurring contact with a vulnerable population. Beginning April 21, 2011, the law required that programs conduct three-part checks -- including FBI, statewide repository, and sex offender registry checks -- on individuals who will have recurring contact with vulnerable populations.

POLICY:

The North Dakota State Commission supports the Corporations for National and Community Services and thus beginning April 21, 2011, entities that select individuals to serve in covered positions who are 18 or older and who will have recurring access to children age 17 or younger, individuals age 60 or older, or individuals with disabilities must conduct for each individual:

- (1) A nationwide check of the NSOPW;
- (2) a search of the state criminal registr(ies) in the state in which the individual in a covered position will be primarily serving or working and the state in which the individual resides at the time of application; and
- (3) an FBI fingerprint-based criminal history check. The SAA created limited exceptions to this special rule.

Grantees must conduct and document the results of the nationwide NSOPW check before an individual begins work or starts service. The NSOPW is a free public resource available at

<http://www.nsopw.gov/>. Under § 2540.204(b) of this final rule, it is not necessary to perform an additional National Service Criminal History Check on an individual who serves consecutive terms of service with the same grantee when the break in service does not exceed 120 days, as long as the original check is a compliant check for the covered position in which the individual will be serving or working following the break in service. For example, if an individual serves an original term in a covered position with no recurring access to vulnerable populations, but will be serving the consecutive term in a covered position with recurring access to vulnerable populations, the grantee must ensure that any additional National Service Criminal History Check components required for the position are conducted (e.g. the fingerprint-based FBI check). This section allows, but does not require, a grantee to forego additional National Service Criminal History checks for individuals serving consecutive terms, based upon a presumption that the additional check would, in large part, replicate the original check and that the grantee's proximity to the individual would increase the likelihood that the grantee would have knowledge of the individual's activity. Grantees must conduct a National Service

Criminal History Check under this final rule on individuals in covered positions who, on or after April 21, 2011, begin work or start service (1) following a break in service exceeding 120 days or (2) with a new grantee.

REFERENCE:

(0) State Commission minutes dated October 16, 2013

SUNSET: October 16, 2016

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-44-13 (0)

SUB-GRANTEE MEMBER TIMESHEET SIGNATURE REQUIREMENT

PURPOSE:

AmeriCorps members are required to keep a timesheet that records service, training and fundraising time to verify that they have served enough hours to obtain their education award.

POLICY:

Sub-grantees will require AmeriCorps member to document their service time by service, training and fundraising categories. This document will be signed off by the member and supervisor. The signatures will be dated in a timely fashion, not to exceed one week after the last service date logged.

REFERENCE:

(0) State Commission minutes dated October 16, 2013

SUNSET: October 16, 2016

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-45-13 (1)

SUB-GRANTEES NSOPW REQUIREMENT

PURPOSE:

Sub-grantees are required to conduct and document a National Service Criminal History check, which consists of a Federal Bureau of Investigation background check, Attorney General background check and a National Sex Offender Public Registry name based search of the Department of Justice's National Sex Offender Public Website (NSOPW) registry. The address for this website is <http://www.nsopw.gov/>.

Sub-grantees may use an approved Alternative Search Procedure protocol to conduct the Federal Bureau of Investigation and Attorney General Background checks. All Alternative Search Procedures must be submitted to and approved by the Corporation before the procedure can be used.

POLICY:

The North Dakota State Commission supports the Corporation for National and Community Services and will require sub-grantees to perform the National Sex Offender Public Website (NSOPW) search themselves and will not use any approved Alternative Search screening to perform this duty by searching the Department of Justice's National Sex Offender Public website.

The NSOPR must be run on prospective members prior to the member starting their term of service.

REFERENCE:

- (0) State Commission minutes dated October 16, 2013
- (1) State Commission minutes dated January 15, 2014

SUNSET: January 15, 2017

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-46-14 (0)

Reasonable Accommodation

PURPOSE:

As a requirement of receiving an AmeriCorps grant, sub-grantees must ensure that their project and activities are accessible to persons with disabilities. The sub-grantee must also provide reasonable accommodations to those persons qualified under the Americans with Disabilities Act of 1990.

POLICY:

Sub-grantees must provide reasonable accommodations for AmeriCorps members, service recipients, applicants and staff who have a documented disability. Sub-grantees must be able to demonstrate that they provide the necessary materials and guidance in regards to established policies and procedures for requesting and receiving reasonable accommodations relating to a disability.

Sub-grantees must include the following guidance in their policy:

It is the policy of the North Dakota AmeriCorps sub-grantee projects to comply fully with the requirements of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 *et seq.* The Equal Employment Opportunity Commission (EEOC) has issued regulations at 29 C.F.R. Part 1630 implementing the provisions of the law for federal agencies.

Policy

The North Dakota AmeriCorps sub-grantees are committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the North Dakota AmeriCorps sub-grantee to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

Definition

Disability: For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

Reasonable accommodation

A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Reasonable accommodation applies to three aspects of employment:

1. To assure equal opportunity in the employment process;
2. To enable a qualified individual with a disability to perform the essential functions of a job; and
3. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Procedure – when seeking a position

1. The North Dakota AmeriCorps sub-grantees will inform all AmeriCorps members that this accommodation policy can be made available in accessible formats. The AmeriCorps members shall inform their supervisor or the ADA Coordinator/
designee of the need for an accommodation.
2. The North Dakota AmeriCorps sub-grantee's ADA designee may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one other than the ADA designee will be told or have access to medical information unless the disability might require emergency treatment.
3. When a qualified individual with a disability has requested an accommodation, the North Dakota AmeriCorps sub-grantee shall, in consultation with the individual:
 - Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
 - Determine the precise job-related limitation.
 - Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the (agency name) is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
 - The ADA designee will work with the employee to obtain technical assistance, as needed.
 - The ADA designee will provide an accommodation plan to the individual within a reasonable amount of time, considering the type and extent of the requested accommodation.
 - If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the AmeriCorps member and the ADA designee shall work together to determine whether reassignment may be an appropriate accommodation.

Procedure – AmeriCorps Member applicants

1. The potential AmeriCorps member applicant shall inform the ADA designee of the need for an accommodation. The ADA designee will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA designee will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Definition

Undue hardship: Is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the (agency name).

Procedure for determining undue hardship

1. The AmeriCorps member will meet with the ADA designee to discuss the requested accommodation.
2. The ADA designee will review undue hardships by considering:
 - The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
 - The impact of the accommodation on the nature or operation of the (agency name).
 - The ADA designee will provide a decision to the employee.

Grievances

North Dakota AmeriCorps sub-grantees, in accordance with 45 CFR Part 2540.21 and 2540.215, will provide program participants, staff, applicants, and beneficiaries information regarding prohibited retaliation against individuals who make a complaint, and a process for contacting and filing discrimination complaints with the Corporation's Office of Civil Rights and Inclusiveness for the purpose of receiving an impartial discrimination complaint resolution process.

In accordance with 45 CFR Part 2540.230, North Dakota AmeriCorps sub-grantees will provide program participants, staff, applicants and beneficiaries information regarding a grievance procedure that includes an alternative dispute resolution, a grievance procedure for unresolved complaints, time limitations, arbitration, suspension of placement, remedies, suspension or termination of assistance and effect of noncompliance with arbitration.

REFERENCE:

- (0) State Commission minutes dated January 15, 2014

SUNSET: January 15, 2017

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-47-14 (0)

Drug-Free Workplace

PURPOSE:

As a requirement of receiving an AmeriCorps grant, sub-grantees must provide their members with a drug-free workplace based on the Drug-Free Workplace Act of 1988. The Workplace Act directly affects organizations that receive grants from the federal government. The Act requires organizations to agree that they will provide drug-free workplaces as a precondition of receiving a contract or grant from a Federal agency.

POLICY:

Sub-grantees must provide AmeriCorps Members with their policy on operating a drug-free workplace and must provide evidence that the sub-grantees drug-free workplace policy was communicated to the AmeriCorps members.

Sub-grantees must include the following guidance in their policy:

Name of Your Organization AmeriCorps project, the recipient of federal funds is required to maintain and certify compliance with the Drug-free Workplace Act of 1988 (the Act). Accordingly, **Name of Your Organization** AmeriCorps project adopts the following policy:

1. **Name of Your Organization** AmeriCorps project prohibits employees from engaging in the unlawful manufacture, distribution, dispensation, possession or use of controlled substances in our workplace. The workplace includes not only the physical facility of an AmeriCorps project, but all sites within the community where our staff and AmeriCorps Members work and/or provide a service. Further, AmeriCorps Members are prohibited from serving while under the influence of any illicit substance.

Any AmeriCorps Member engaged in such prohibited conduct or convicted of a crime involving workplace drug violation shall be subject to disciplinary action up to and including termination. An AmeriCorps project will weigh all relevant facts and circumstances in reaching a decision to discipline.

In addition, AmeriCorps Members must report to their supervisor any criminal charge or conviction for a drug violation within five days of the charge or conviction. The term "conviction" means a finding of quality (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with responsibility to determine violation of state or federal criminal drug status.

2. Within 30 days after receiving notices of such charges or convictions, **Name of Your Organization** AmeriCorps project will impose the following sanctions or remedial measures on the individual involved: (A) Take appropriate disciplinary action which may include termination, or (B) Require such individual to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purpose.
3. Nothing contained in the policy statement concerning employees shall be construed to limit, or in any way restrict, **Name of Your Organization** AmeriCorps project treatment of drug-related incidents involving any of its AmeriCorps Members.
4. **Name of Your Organization** AmeriCorps project will establish a drug awareness program to inform employees and AmeriCorps Members about the dangers of drug abuse at the site, to reinforce its commitment to maintenance of a drug-free workplace with the meaning of the Drug-Free Workplace Act, and review the penalties that may be imposed on AmeriCorps Members for drug abuse violations. In addition, the drug awareness program will apprise employees and AmeriCorps Members of the availability of drug rehabilitation counseling through community resources.
5. Employees and AmeriCorps Members shall be provided with a copy of this policy statement and shall be required to acknowledge, in writing, receipt of this policy and attendance at the drug-free awareness program specified in paragraph four above.

Name of Your Organization AmeriCorps project will notify the Commission on Volunteerism and Community Service within 10 days after receiving any notification of any criminal drug statute conviction occurring within the workplace.

REFERENCE:

(0) State Commission minutes January 15, 2014

SUNSET: January 15, 2017

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-48-14 (0)

Non-Discrimination

PURPOSE:

As a requirement of receiving an AmeriCorps grant, sub-grantees must make public notification that it operates its project or activity subject to the non-discrimination requirements of the applicable statutes.

POLICY:

Sub-grantees must provide evidence that they operate their programs and activities subject to all federal statutes relating to non-discrimination (Title VI Civil Rights Act of 1964, Title IX Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975).

Evidence of notification to the public regarding information on civil rights requirements, complaint and grievance procedures and the rights of beneficiaries is met by including such notifications in documents such as member service agreements, handbooks, manuals, pamphlets, and public postings, recruitment material, and application forms. The public includes members, community beneficiaries, applicants, program staff, host sites and those individuals with impaired vision or hearing. The non-discrimination policy must state that the program is available to all without regard to race, color, national origin, disability, age, sex, political affiliation, or, in most instances, religion.

Sub-grantees must include the following guidance in their policy:

North Dakota AmeriCorps sub-grantees do not discriminate in project admission based on race, color, sexual orientation, military discharge, sex, national origin, age, disability, or any other characteristic unrelated to the ability to perform the essential functions or basic tenets of a North Dakota AmeriCorps sub-grantee, or any bona fide occupational qualifications. *(Note: If your project has reason to only accept members of a particular gender or of a certain age, this should be explained as a job requirement here.)*

North Dakota AmeriCorps sub-grantees are founded and rooted in the tradition of the name of organization/ sponsoring body. This tradition is the foundation of the North Dakota AmeriCorps sub-grantee and individuals of all perspectives are welcome to apply.

North Dakota AmeriCorps sub-grantees will make reasonable accommodations for qualified individuals with known disabilities, as long as the accommodation does not impose an undue hardship on North Dakota AmeriCorps sub-grantees. This policy governs all aspects of the project, including selection, placement assignment, compensation, and access to benefits and training.

North Dakota AmeriCorps sub-grantees make every effort to ensure that its host sites have acceptable non-discrimination policies. Any member with questions or concerns about any type of discrimination in their assigned host site are encouraged to bring these issues to the attention of their immediate supervisor, superior, and/or Project Coordinator. If the placement agency is found to be engaging in such activities, removal of current member(s) (and denial of future Members at that agency) can result.

Discrimination on the part of fellow North Dakota AmeriCorps sub-grantee members will also not be tolerated. Anyone found to be engaging in any type of unlawful or harassing discrimination will be subject to disciplinary action, up to and including dismissal from the project.

North Dakota AmeriCorps sub-grantees will not tolerate harassment of any kind. Harassment includes threatening or insinuating that the refusal to submit to sexual advances will adversely affect admission or program benefits. Harassment may also include conduct such as unwanted sexual flirtation or touches; abusive or degrading language; graphic or suggestive comments; or displaying inappropriate objects or pictures. Any member who believes that he or she has been subject to harassment of any kind, or who has knowledge about harassment of others, should report the harassment to an immediate supervisor, superior, and/or Project Coordinator. Any member who is found to have engaged in harassment will be subject to appropriate discipline, up to and including expulsion from a North Dakota AmeriCorps project.

North Dakota AmeriCorps sub-grantees, in accordance with 45 CFR Part 2540.21 and 2540.215, will provide program participants, staff, applicants, and beneficiaries information regarding prohibited retaliation against individuals who make a complaint, and a process for contacting and filing discrimination complaints with the Corporation's Office of Civil Rights and Inclusiveness for the purpose of receiving an impartial discrimination complaint resolution process.

In accordance with 45 CFR Part 2540.230, North Dakota AmeriCorps sub-grantees will provide program participants, staff, applicants and beneficiaries information regarding a grievance procedure that includes an alternative dispute resolution, a grievance procedure for unresolved complaints, time limitations, arbitration, suspension of placement, remedies, suspension or termination of assistance and effect of noncompliance with arbitration.

REFERENCE:

(0) State Commission minutes January 15, 2014

SUNSET: January 15, 2017

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-49-14 (0)

Member Safety

PURPOSE:

As a requirement of receiving an AmeriCorps grant, the AmeriCorps members have a right to a safe work environment as covered by the Occupational Safety and Health Act and enforced by the Occupational Safety and Health Administration (OSHA).

POLICY:

Sub-grantees must provide AmeriCorps members with their policy on operating a safe work environment and must provide evidence that the sub-grantee's safe work environment policy was communicated to the AmeriCorps members.

Sub-grantees must include the following guidance in their policy:

OSHA requires **Name of Your Organization** AmeriCorps Project to provide a workplace that is free of recognized dangers and hazards. Generally, AmeriCorps Members have the right to:

- Receive training from the **Name of Your Organization** AmeriCorps Project as required by OSHA standards.
- Request information from the **Name of Your Organization** AmeriCorps Project about OSHA standards, worker injuries, job hazards, and worker's rights.
- Request that the **Name of Your Organization** AmeriCorps Project correct hazardous conditions or OSHA violations.
- File written complaints with OSHA about violations of OSHA regulations or serious hazardous conditions.
- Be involved in the OSHA inspection of the workplace.
- Find out results of the OSHA inspection.
- Be protected from unwarranted employment dismissal, transfer, denied pay increase, and any other punitive actions corresponding to the exercised right of reporting an unsafe work condition.

OSHA requires the AmeriCorps members to comply with all health and safety standards that apply to their job, including:

- Reading the OSHA posters.
- Following the **Name of Your Organization** AmeriCorps Project health and safety rules and safe work practices.
- Utilizing all required gear and equipment.
- Reporting hazardous conditions to the **Name of Your Organization** AmeriCorps Project.
- Reporting hazardous conditions that the **Name of Your Organization** AmeriCorps Project does not correct to OSHA.

OSHA requires that **Name of Your Organization** AmeriCorps Project provide a safe and healthy workplace free of recognized hazards. The most important requirements include:

- Providing properly maintained tools and equipment.
- A warning system, such as codes or labels, to warn AmeriCorps members of potential hazards or hazardous chemicals.
- Posting the OSHA poster in a prominent location.
- Keeping records of work related injuries or illnesses.
- Constant examinations of workplace conditions to ensure compliance with OSHA regulations.

AmeriCorps members, who believe that they have been dismissed because of complaining about unsafe working conditions, should file a complaint with the project, usually within 30 days of the incident. In many cases, an attorney will be able to investigate the reasons for the termination; gather the appropriate documentation; and ensure that all of the complex procedures and filing deadlines have been met. OSHA regulations are a very detailed, complex set of rules and restrictions.

If you are an AmeriCorps Project, a labor attorney can help you develop and implement a safety policy that complies with all OSHA requirements for your industry. A labor attorney can also help you dispute a lawsuit by OSHA alleging unsafe and hazardous working conditions.

REFERENCE:

(0) State Commission minutes January 15, 2014

SUNSET: January 15, 2017

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-50-14 (0)

Liability Insurance Coverage

PURPOSE:

As a requirement of receiving an AmeriCorps grant, sub-grantees are responsible for ensuring adequate general liability coverage for the organization, employees and members, including coverage of members engaged in project activities occurring on- and off-site, as stated in the 2013 State and National grant provisions.

POLICY:

Sub-grantees must provide evidence that the AmeriCorps members are covered under their liability insurance coverage.

REFERENCE:

(0) State Commission minutes January 15, 2014

SUNSET: January 15, 2017

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-51-14 (0)

Non-Duplication

PURPOSE:

As a requirement of receiving an AmeriCorps grant, sub-grantees must comply with the 45 CFR §2540.100, Non-duplication.

POLICY:

Sub-grantees must provide evidence of compliance with 45 CFR § 2540.100, Non-duplication. Corporation funding is not to be used to duplicate an activity that is already available in the locality of a project. Additionally, sub-grantees are prohibited from providing Corporation funding to another entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency in which such entity resides.

REFERENCE:

(0) State Commission minutes January 15, 2014

SUNSET: January 15, 2017

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-52-14 (0)

Supplantation and Non-displacement

PURPOSE:

As a requirement of receiving an AmeriCorps grant, sub-grantees must comply with 45 CFR §2540.100, Supplantation and Non-displacement.

POLICY:

Sub-grantees must provide evidence of compliance with 45 CFR § 2540.100, Supplantation and Non-displacement. Corporation funding is not to be used to supplant State and local funds that had been used to support programs of the type eligible to receive Corporation support. Corporation funding may not be used to displace an employee or position, including partial displacement such as a reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program receiving Corporation funding.

REFERENCE:

(0) State Commission minutes January 15, 2014

SUNSET: January 15, 2017

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-53-14 (0)

Member Fundraising And Training

PURPOSE:

As a requirement of receiving an AmeriCorps grant, sub-grantees may allow AmeriCorps members to fund raise in accordance with 45 CFR §2520.50 circumstances under which an AmeriCorps members may receive training and §2520.40, circumstances under which an AmeriCorps members may raise resources.

POLICY:

Sub-grantees may allow AmeriCorps member to receive training and raise resources under the following guidelines.

No more than 20 percent of the aggregate of all AmeriCorps member service hours in your program, as reflected in the member enrollments in the National Service Trust, may be spent in education and training activities. Capacity building activities and direct service activities do not count towards the 20 percent cap on education and training activities.

No more than 10 percent of the aggregate of all AmeriCorps member service hours in your program, as reflected in the member enrollments in the National Service Trust, may be spent in fund raising activities.

AmeriCorps members may raise resources directly in support of your program's service activities.

Examples of fundraising activities AmeriCorps members may perform include, but are not limited to, the following:

- (1) Seeking donations of books from companies and individuals for a program in which volunteers teach children to read;
- (2) Writing a grant proposal to a foundation to secure resources to support the training of volunteers;
- (3) Securing supplies and equipment from the community to enable volunteers to help build houses for low-income individuals;
- (4) Securing financial resources from the community to assist in launching or expanding a program that provides social services to the members of the community and is delivered, in whole or in part, through the members of a community-based organization;
- (5) Seeking donations from alumni of the program for specific service projects being performed by current members.

AmeriCorps members may not:

- (1) Raise funds for living allowances or for an organization's general (as opposed to project) operating expenses or endowment;
- (2) Write a grant application to the Corporation or to any other Federal agency.

REFERENCE:

- (0) State Commission minutes January 15, 2014

SUNSET: January 15, 2017

STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

POLICY 1-54-14 (0)

Prohibited Activities Policy For Members And Grant-Funded Staff

PURPOSE:

As a requirement of receiving an AmeriCorps grant, sub-grantees must make their staff and AmeriCorps members aware of prohibited AmeriCorps program activities as outline in 45 CFR §2520.65.

POLICY:

Sub-grantees must provide evidence that their staff, host site supervisors and AmeriCorps members received a list of prohibited activities with relevant instructions as outline in the 45 CFR §2520.65.

REFERENCE:

(0) State Commission minutes January 15, 2014

SUNSET: January 15, 2017